

# Planning and Environment Committee

## Report

The 11th Special Meeting of the Planning and Environment Committee  
July 15, 2020

PRESENT: Councillor M. Cassidy (Chair), J. Helmer, A. Hopkins, S. Turner, A. Kayabaga, Mayor E. Holder

ALSO PRESENT: H. Lysynski, M. Schulthess, S. Spring and J.W. Taylor

Remote Attendance: I. Abushehada, J. Adema, A. Anderson, G. Barrett, J. Bunn, E. Copeland (Captioner), M. Feldberg, D. Hahn, P. Kokkoros, G. Kotsifas, J. Lee, C. Lowery, H. McNeely, L. McNiven, C. Parker, J. Raycroft, E. Skalski, B. Somers, M. Sundercock, M. Tomazincic, D. Turner and B. Westlake-Power

The meeting is called to order at 4:03 PM, with Councillor M. Cassidy in the Chair; it being noted that the following Members were in remote attendance: Mayor E. Holder; Councillors J. Helmer, A. Hopkins, S. Turner and A. Kayabaga

### 1. Disclosures of Pecuniary Interest

That it BE NOTED that Councillor M. Cassidy disclosed a pecuniary interest in clauses 2.1 and 3.5 of this Report, having to do with the property located at 307 Fanshawe Park Road East, by indicating that her family owns property in the area.

### 2. Consent

2.1 Request for Council Resolution, under section 45(1.4) of the Planning Act, R.S.O. 1990, c. P.13 - 307 Fanshawe Park Road East

Moved by: J. Helmer

Seconded by: A. Hopkins

That, the following actions be taken with respect to the property located at 307 Fanshawe Park Road East:

a) on the recommendation of the City Clerk, the report dated July 15, 2020 and entitled "Request for Council Resolution, under section 45(1.4) of the *Planning Act, 1990, c. P.13 - 307 Fanshawe Park Road East*" BE RECEIVED for information; and,

b) the Managing Director, Development and Compliance Services and Chief Building Official BE AUTHORIZED to accept a Minor Variance application for the purpose of amending the definition of Stacked Townhouse relating to the property located at 307 Fanshawe Park Road East.

Yeas: (5): J. Helmer, A. Hopkins, S. Turner, A. Kayabaga, and E. Holder

Recuse: (1): M. Cassidy

**Motion Passed (5 to 0)**

Additional Vote:

Moved by: A. Hopkins

Seconded by: J. Helmer

That D. Hannam, Zelinka Priamo Ltd., BE GRANTED delegation status relating to the request for a minor variance application for the property located at 307 Fanshawe Park Road East.

Yeas: (5): J. Helmer, A. Hopkins, S. Turner, A. Kayabaga, and E. Holder

Recuse: (1): M. Cassidy

**Motion Passed (5 to 0)**

### **3. Scheduled Items**

#### **3.1 London Plan Housekeeping Amendment (O-9173)**

Moved by: J. Helmer

Seconded by: S. Turner

That, on the recommendation of the Director, City Planning and City Planner, with respect to the proposed amendment to The London Plan to correct errors and omissions and to add Council-approved, in-force amendments to the 1989 Official Plan to The London Plan, the proposed by-law appended to the staff report dated July 15, 2020 BE INTRODUCED at the Municipal Council meeting to be held on July 21, 2020 to amend various policies of The London Plan to correct errors and omissions and to add Council-approved amendments to the 1989 Official Plan to The London Plan;

it being noted that no individuals spoke at the public participation meeting associated with this matter;

it being further noted that the Municipal Council approves this application as the purpose and effect of the amendment is to improve clarity and consistency in policies and mapping throughout The London Plan. It will further recognize planning decisions that have been made since the approval of The London Plan but have not been implemented in the Plan due to the status of appeals, which did not allow City Council the ability to make amendments to appealed portions of the Plan.

Yeas: (6): M. Cassidy, J. Helmer, A. Hopkins, S. Turner, A. Kayabaga, and E. Holder

**Motion Passed (6 to 0)**

Additional Votes:

Moved by: A. Hopkins

Seconded by: S. Turner

Motion to open the public participation meeting.

Yeas: (6): M. Cassidy, J. Helmer, A. Hopkins, S. Turner, A. Kayabaga, and E. Holder

**Motion Passed (6 to 0)**

Moved by: E. Holder

Seconded by: A. Kayabaga

Motion to close the public participation meeting.

Yeas: (6): M. Cassidy, J. Helmer, A. Hopkins, S. Turner, A. Kayabaga, and E. Holder

**Motion Passed (6 to 0)**

3.2 Amend Section 4.11 (Household Sales) in Zoning By-law Z-1 (Z-9166)

Moved by: A. Hopkins

Seconded by: A. Kayabaga

That, on the recommendation of the Director, City Planning and City Planner, based on the application by The Corporation of the City of London, relating to a City-wide review to permit the sale of agricultural products grown on a premises, the proposed by-law appended to the staff report dated July 15, 2020 BE INTRODUCED at the Municipal Council meeting to be held on July 21, 2020 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to amend Section 4.11(Household Sales) to permit the sale of agricultural products;

it being noted that no individuals spoke at the public participation meeting associated with this matter;

it being further noted that the Municipal Council approves this application for the following reasons:

- the recommended amendment to Zoning By-law Z.-1 is consistent with the Provincial Policy Statement (2014);
- the recommended amendment to Zoning By-law Z.1 conforms to the 1989 Official Plan and to The London Plan, including the policies of the Food Systems chapter, and provides for appropriate uses on these sites;
- the recommended amendment to Zoning By-law Z-1 will allow sales of agricultural products from premises that have a dwelling unit;
- the zoning by-law amendment helps implement one of the goals of the Urban Agriculture Strategy to make fresh produce more available to the general public; and,
- the recommended amendment to Zoning By-law Z.-1 will allow the sale of agricultural products grown on properties located within the Urban Growth Boundary to be sold by residents on the property.

Yeas: (6): M. Cassidy, J. Helmer, A. Hopkins, S. Turner, A. Kayabaga, and E. Holder

**Motion Passed (6 to 0)**

Additional Votes:

Moved by: A. Kayabaga

Seconded by: A. Hopkins

Motion to open the public participation meeting.

Yeas: (6): M. Cassidy, J. Helmer, A. Hopkins, S. Turner, A. Kayabaga, and E. Holder

**Motion Passed (6 to 0)**

Moved by: A. Kayabaga

Seconded by: S. Turner

Motion to close the public participation meeting.

Yeas: (6): M. Cassidy, J. Helmer, A. Hopkins, S. Turner, A. Kayabaga, and E. Holder

**Motion Passed (6 to 0)**

### 3.3 Part of 65 Brisbin Street (Z-9195)

Moved by: S. Turner

Seconded by: E. Holder

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application by The Corporation of the City of London, relating to a part of the property located at 65 Brisbin Street:

a) Consistent with Policy 43\_1 of The London Plan, the subject lands, representing a part of 65 Brisbin Street, BE INTERPRETED to be located within the Neighbourhoods Place Type; and,

b) the proposed by-law appended to the staff report dated July 15, 2020 BE INTRODUCED at the Municipal Council meeting to be held on July 21, 2020 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM an Open Space (OS1) Zone TO a Residential R2 (R2-2) Zone;

it being pointed out that at the public participation meeting associated with these matters, the individuals indicated on the attached public participation meeting record made oral submissions regarding these matters;

it being further noted that the Municipal Council approves this application for the following reasons:

- the proposed amendment is consistent with the Provincial Policy Statement, 2020;
- the proposed amendment conforms to the in-force policies of The London Plan;
- the proposed amendment conforms to the in-force policies of 1989 Official Plan;
- the proposed amendment represents good planning and removes a land use conflict between 81 Brisbin Street and 83 Brisbin Street; and,
- the proposed amendment facilitates functional improvements to the residential use at 81 Brisbin Street.

Yeas: (6): M. Cassidy, J. Helmer, A. Hopkins, S. Turner, A. Kayabaga, and E. Holder

**Motion Passed (6 to 0)**

Additional Votes:

Moved by: S. Turner

Seconded by: A. Hopkins

Motion to open the public participation meeting.



Yeas: (6): M. Cassidy, J. Helmer, A. Hopkins, S. Turner, A. Kayabaga, and E. Holder

**Motion Passed (6 to 0)**

Moved by: S. Turner  
Seconded by: A. Kayabaga

Motion to close the public participation meeting.

Yeas: (6): M. Cassidy, J. Helmer, A. Hopkins, S. Turner, A. Kayabaga, and E. Holder

**Motion Passed (6 to 0)**

3.4 1146-1156 Byron Baseline Road (Z-9172)

Moved by: S. Turner  
Seconded by: J. Helmer

That, on the recommendation of the Director, Development Services, based on the application by 2186121 Ontario Inc., relating to the property located at 1146-1156 Byron Baseline Road:

a) the revised, attached, proposed by-law BE INTRODUCED at the Municipal Council meeting to be held on July 21, 2020 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM a Residential R1 (R1-7) Zone TO a Holding Residential R5 Special Provision (h-5\*h-183\*R5-7(\_)) Zone;

it being noted that the following Site Plan matters have been raised through the application review process for consideration by the Site Plan Approval Authority:

- i) enhanced provision of boundary landscaping along the east, west, and south property boundaries that not only exceed the standards of the Site Plan Control By-law but also has screening/privacy qualities;
- ii) location of a deep well waste storage system outside of the easement area;
- iii) building orientation towards Byron Baseline Road;
- iv) parking lot design, including landscape islands and generous separation between the parking lot and easterly property line;
- v) provision of an adequately-sized outdoor amenity area in a central location; and,
- vi) the retention of as many trees on the property as possible;

it being pointed out that at the public participation meeting associated with these matters, the individuals indicated on the attached public participation meeting record made oral submissions regarding these matters;

it being further noted that the Municipal Council approves this application for the following reasons:

- the recommended amendment is consistent with the Provincial Policy Statement, 2020, which encourages the regeneration of settlement areas and land use patterns within settlement areas that provide for a range of uses and opportunities for intensification and redevelopment. The PPS directs municipalities to permit all forms of housing required to meet the needs of all residents, present and future;
- the recommended amendment conforms to the in-force policies of The London Plan, including but not limited to the Key Directions and

Neighbourhoods Place Type;

- the recommended amendment conforms to the in-force policies of the 1989 Official Plan, including but not limited to the Low Density Residential designation; and,
- the recommended amendment facilitates the development of a vacant, underutilized site within the Built-Area Boundary with an appropriate form of infill development.

Yeas: (5): M. Cassidy, J. Helmer, S. Turner, A. Kayabaga, and E. Holder

Nays: (1): A. Hopkins

**Motion Passed (5 to 1)**

Additional Votes:

Moved by: S. Turner

Seconded by: A. Hopkins

Motion to open the public participation meeting.

Yeas: (6): M. Cassidy, J. Helmer, A. Hopkins, S. Turner, A. Kayabaga, and E. Holder

**Motion Passed (6 to 0)**

Moved by: E. Holder

Seconded by: S. Turner

Motion to close the public participation meeting.

Yeas: (6): M. Cassidy, J. Helmer, A. Hopkins, S. Turner, A. Kayabaga, and E. Holder

**Motion Passed (6 to 0)**

Moved by: A. Hopkins

Seconded by: E. Holder

Motion to change the order of business pursuant to Section 27.6 of the Council Procedure By-law to deal with Item 4.1 prior to Item 3.5.

Yeas: (6): M. Cassidy, J. Helmer, A. Hopkins, S. Turner, A. Kayabaga, and E. Holder

**Motion Passed (6 to 0)**

3.5 307 Fanshawe Park Road East (SPA20-029)

Moved by: A. Hopkins

Seconded by: E. Holder

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application by 1423197 Ontario Inc., relating to the property located at 307 Fanshawe Park Road East:

- a) the Approval Authority BE ADVISED that the following issues were raised at the public participation meeting with respect to the application for

Site Plan Approval to facilitate the construction of the proposed residential development:

- i) tree and hedge preservation;
- ii) concerns over the lack of privacy;
- iii) the size and location of the proposed snow storage sheds;
- iv) the proposed central amenity space;
- v) the location and number of parking spots;
- vi) the mass, setbacks and form of the proposed development;
- vii) water runoff onto neighbouring properties;
- viii) sewage being diverted to Camden Place instead of Fanshawe Park Road East;
- vii) encroachments to the setbacks;
- viii) lighting concerns;
- ix) fencing inquiries;
- x) a request for a board-on-board fence around the entire development; and,
- xi) vehicular access to the site;

b) the Approval Authority BE ADVISED that Municipal Council supports the Site Plan Application SUBJECT TO the trees 6, 14, 21, 31, 36 and 60 specifically being retained;

it being noted that the development, as proposed, conforms to the requirements of the Council resolution dated October 2, 2019, specifically the requirement for the protection and preservation of the trees; and,

it being further pointed out that the Planning and Environment Committee reviewed and received the following communications with respect to this matter:

- a presentation from D. Hannam, Zelinka Priamo Ltd.;
- a presentation from the Old Stoneybrook Community Association; and,
- a communication dated June 30, 2020 from G. McGinn-McTeer;

it being pointed out that at the public participation meeting associated with these matters, the individuals indicated on the attached public participation meeting record made oral submissions regarding these matters.

Yeas: (5): J. Helmer, A. Hopkins, S. Turner, A. Kayabaga, and E. Holder

Absent: (1): M. Cassidy

**Motion Passed (5 to 0)**

Additional Votes:

Motion to add a new part c) which reads as follows:

"c) a special provision BE INCLUDED in the Development Agreement to deal with the removal of the snow onsite to lessen the effect of the spring thaw;"

Yeas: (2): A. Hopkins, and E. Holder

Nays: (3): J. Helmer, S. Turner, and A. Kayabaga

Absent: (1): M. Cassidy

**Motion Failed (2 to 3)**

Moved by: A. Hopkins

Seconded by: A. Kayabaga

Motion to open the public participation meeting.

Yeas: (5): J. Helmer, A. Hopkins, S. Turner, A. Kayabaga, and E. Holder

Recuse: (1): M. Cassidy

**Motion Passed (5 to 0)**

Moved by: E. Holder

Seconded by: A. Hopkins

Motion to close the public participation meeting.

Yeas: (5): J. Helmer, A. Hopkins, S. Turner, A. Kayabaga, and E. Holder

Absent: (1): M. Cassidy

**Motion Passed (5 to 0)**

#### **4. Items for Direction**

None.

##### **4.1 (ADDED) Silverleaf Subdivision Sidewalk Installation**

Moved by: S. Turner

Seconded by: A. Kayabaga

That the communication from R. Galizia, with respect to the proposed sidewalks in the Silverleaf subdivision BE RECEIVED and no further action be taken; it being noted that a petition signed by approximately 41 individuals is on file in the City Clerk's Office, with respect to this matter.

Yeas: (5): M. Cassidy, J. Helmer, A. Hopkins, S. Turner, and A. Kayabaga

Nays: (1): E. Holder

**Motion Passed (5 to 1)**

Additional Vote:

Moved by: A. Hopkins

Seconded by: E. Holder

That R. Galizia BE GRANTED delegation status with respect to the proposed sidewalks to be installed in Silverleaf subdivision.

Yeas: (6): M. Cassidy, J. Helmer, A. Hopkins, S. Turner, A. Kayabaga,  
and E. Holder

**Motion Passed (6 to 0)**

**5. Deferred Matters/Additional Business**

None.

**6. Adjournment**

The meeting adjourned at 7:52 PM.

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning and Environment Committee  
**From:** Cathy Saunders, City Clerk  
**Subject:** Request for Council Resolution, under section 45(1.4) of the  
*Planning Act, R.S.O. 1990, c. P.13,*  
307 Fanshawe Park Road East  
**Meeting on:** July 15, 2020

## Recommendation

That, on the recommendation of the City Clerk, the report dated July 15, 2020 entitled "Request for Council Resolution, under section 45(1.4) of the *Planning Act, R.S.O. 1990, c. P.13* – 307 Fanshawe Park Road East", **BE RECEIVED.**

## Background

Zelinka Priamo Ltd, on behalf of their client Royal Premier Homes, has submitted the attached letter, dated June 3, 2020 seeking approval from the Municipal Council to submit a Minor Variance Application for the property known as 307 Fanshawe Park Road East, with regards to the Zoning By-law Z-1 definition of "Stacked Townhouses", by indicating that the proposed development as it applies to Building B of the approved development.

Section 45(1.3) of the *Planning Act, R.S.O. 1990, c. P.13* states:

"Subject to subsection (1.4), no person shall apply for a minor variance from the provisions of the by-law in respect to the land, building or structure before the second anniversary of the day on which the by-law was amended"

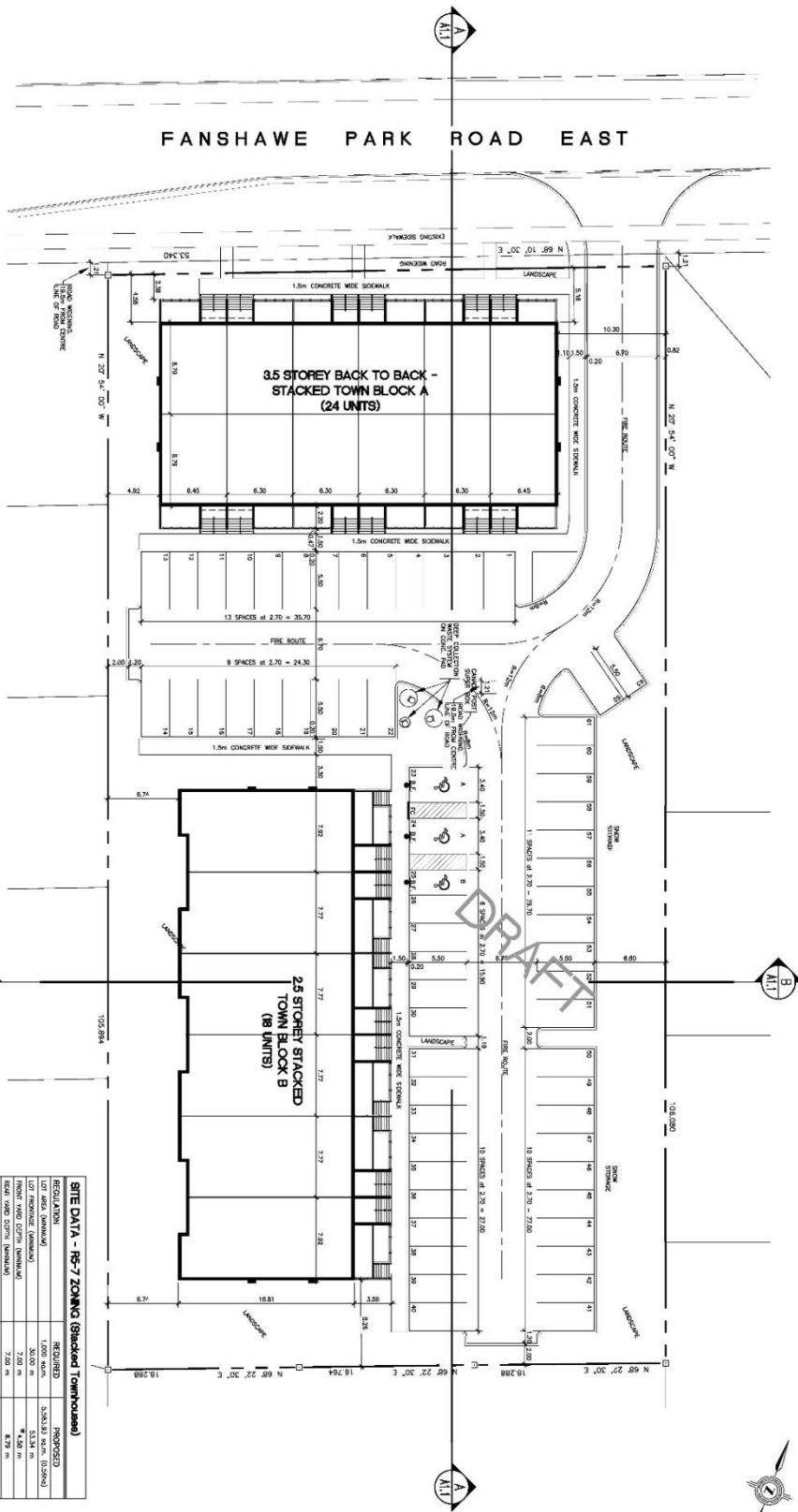
Section 45(1.4) of the *Planning Act, R.S.O. 1990, c. P.13* states:

"Subsection (1.3) does not apply in respect of an application if the council has declared by resolution that such an application is permitted, which resolution may be made with respect of a specific application, a class of application or in respect of such applications generally."

At its meeting held on October 1, 2019, the Municipal Council enacted By-law Z.-1-192791 to amend Schedule "A" to Zoning By-law No. Z.-1, as amended, to change the zoning applicable to the lands known as 307 Fanshawe Park Road East, from a Holding Residential R1/Bonus (h-5\*h-54\*h-89\*R1-8\*B-15) Zone to a Holding Residential R5 Special Provision (h-5\*h-54\*h-89\*R5-7(10)) Zone.

The Agent for the Applicant indicates that Building B is proposed to contain a 2-storey townhouse building with 18 units (with units 3 units high) at the rear of the property. Subsequent to the approval of the Zoning By-law Amendment noted above, the Applicant and the Civic Administration became aware that the unit layout for the proposed Building B does not comply with the zoning definition for "Stacked Townhouse" as the proposed dwelling units are designed to be 3 units high, rather than the 2 units high as defined by the Zoning By-law.

To assist the Municipal Council in their consideration of this matter, the balance of this report provides background information with respect to the previous *Planning Act, R.S.O. 1990, c. P.13* Zoning By-law Amendment Application pertaining to the subject property.



**SITE DATA - R5-7 ZONING (Stacked Townhouses)**

REGULATION	REQUIRED	PROPOSED
LOT AREA (MINIMUM)	1,000 m <sup>2</sup>	5,263.61 m <sup>2</sup> (0.32 ha)
MINIMUM FRONT SETBACK (MINIMUM)	7.62 m	8.49 m
REAR AND SIDE SETBACK (MINIMUM)	7.62 m	8.79 m
INTERIOR SIDE SETBACK (MINIMUM)	4.88 m	4.88 m (1.5m/CONCRETE SIDEWALK)
HEIGHT / DRIVE COVERAGE	5.5m (18'6")	5.5m (18'6")
LANDSCAPE SPACE (PER UNIT)	30m <sup>2</sup> (322.68 sq ft)	34.58m <sup>2</sup> (372.52 sq ft)
MINIMUM DRIVEWAY WIDTH (MINIMUM)	4.88 m	4.88 m
HEIGHT (MINIMUM)	1.83 m (6'0")	1.83 m (6'0")
HEIGHT - IN "S" PER HEIGHT (MAX)	60 units/m <sup>2</sup> = 33	60 units/m <sup>2</sup> = 33
ACCESSIBLE PARKING SPACES (MINIMUM)	1 SPACE = 63	63 SPACES
ACCESSIBLE PARKING SPACES (MINIMUM)	1 SPACE = 7.62m	2 SPACES
ACCESS TO PARKING BY DISABLED PERSONS (MINIMUM)	6.70 m	6.70 m

**A1.1**  
**STACKED TOWNHOUSE DEVELOPMENT**  
 307 FANSHAW PARK ROAD, EAST, LONDON  
**SITE PLAN**

NO.	REVISION	DATE

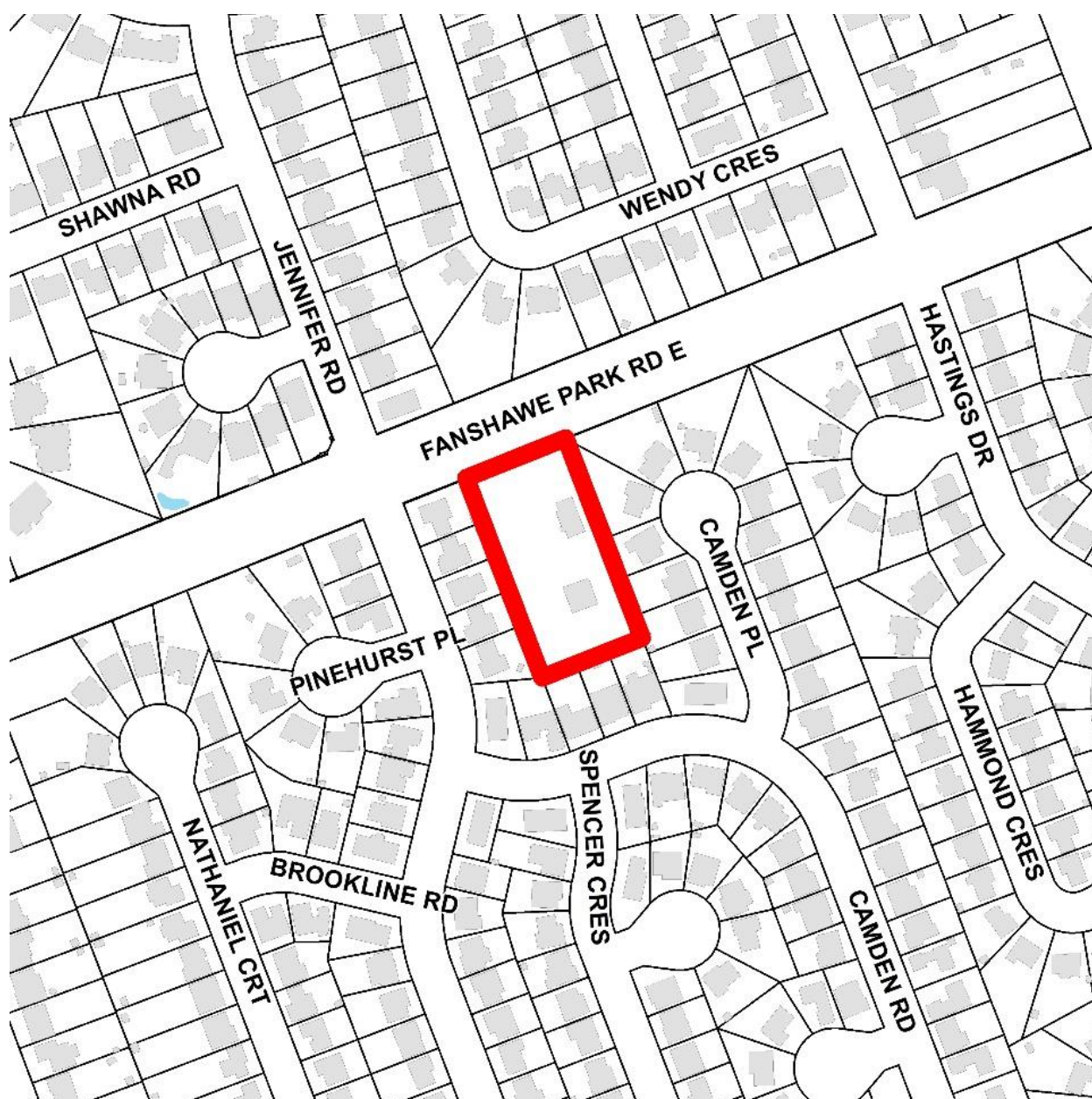


## 1.0 Property History

On April 11, 2011 a report was presented to the Built and Natural Environment Committee which recommended a Zoning By-law Amendment for 307 Fanshawe Park Road East. The purpose and effect of this Zoning By-law Amendment was to permit a 16-unit, three storey apartment building and a converted dwelling with 2-units. The Municipal Council passed the Zoning By-law Amendment on April 18, 2011 to rezone the subject property to a Holding Residential R1/ Bonus (h-5\*h-54\*h-89\*R1-8\*B-15) Zone. The approved apartment building was not built and a single detached dwelling remained on the site.

On January 4, 2019, demolition permits were issued to demolish the single detached dwelling and the accessory (barn) structure from the lot. The lot is now currently vacant.

## 1.1 Location Map



## 1.2 Previous Reports Pertinent To This Matter

Z-7853 - April 11, 2011 – Report to the Built and Natural Environment Committee – Recommendation to rezone the subject site from a Residential R1 (R1-8) Zone to a Holding Residential R1 Bonus (h-5\*h-54\*h-89\*R1-8\*B-15) Zone to permit an apartment building with a 0.0 metre front yard setback, a lot coverage of 32% and a converted dwelling with two dwelling units, and a bonus density of 32 units per hectare and a bonus height of 13m.

Z-9006 - May 27, 2019 – Report to the Planning and Environment Committee – Recommendation to rezone the subject site from a Holding Residential R1/ Bonus (h-5\*h-54\*h-89\*R1-8\*B-15) Zone, to a Holding Residential R5 Special



Provision (h-5\*h-54\*h-89\*R5-7( )) Zone to permit townhouses and stacked townhouses only, with a 4.5 metre minimum front yard setback, a 4.9 meter west interior side yard for a lot depth of 30 metres, a 2.3 metre front yard setback to porch/patios, a maximum height of 12 metres for a lot depth of 30 metres, a maximum height of 10 meters for the balance of the lands, and 75 units per hectare maximum.

Z-9006 - September 23, 2019 – Report to the Planning and Environment Committee – Recommendation to rezone the subject from a Holding Residential R1/ Bonus (h-5\*h-54\*h-89\*R1-8\*B-15) Zone to a Residential R5 Special Provision (R5-7( )) Zone to permit townhouses and stacked townhouses only, with a 4.5 metre minimum front yard setback, a 4.9 metre west interior side yard for a lot depth of 30 metres, a 2.3 metre front yard setback to porch/patios, a maximum height of 12 metres for a lot depth of 30 metres, a maximum height of 10 meters for the balance of the lands, and 75 units per hectare maximum.

### 1.3 Planning History

On May, 27, 2019, the Planning and Environment Committee held a Public Participation Meeting to receive input from the public with respect to the proposed amendment to the Zoning By-law to rezone the subject land from a Residential R1/Bonus Zone to a Holding Residential R5 Special Provision Zone. The proposed amendment Application was referred back to staff for further consideration..

On September 23, 2019, the proposed Zoning By-law amendment, with some modifications to the proposed site plan to provide for improved tree protection and a reduction in the number of parking spaces to facilitate the development of a smaller parking area, was presented to the Planning and Environment Committee for consideration. The recommended Zoning By-law amendment was approved by the Municipal Council on October 1, 2019.

#### Front Elevation Block “A”



#### Front Elevation Block “B”



## 1.4 Approved Zoning By-law Amendment

The following summarizes the provisions provided for in the Zoning By-law Amendment.

Permitted Uses:

- i.) Stacked Townhouse

Regulations:

i.)	Maximum Density	75 units per hectare
ii.)	Minimum Front Yard Depth	4.5 metres
iii.)	West interior side yard depth for first 30m	4.9 metres
iv.)	Minimum Front Yard Setback to patio/porch	2.3 metres
v.)	Maximum Height for the first 30m of lot depth	12 metres
vi.)	Maximum Height for the remainder of the lands	10 metres
vii.)	Maximum Number of Parking Spaces	1.25 per unit

## 2.0 Policy Context

### 2.1 Planning Act

As noted previously in this report, the *Planning Act* provides the basis for the establishment of a Committee of Adjustment to evaluate requests for relief from regulations of a Zoning By-law.

#### ***Powers of Committee***

*45 (1) The committee of adjustment, upon the application of the owner of any land, building or structure affected by any by-law that is passed under section 34 or 38, or a predecessor of such sections, or any person authorized in writing by the owner, may, despite any other Act, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained. R.S.O. 1990, c. P.13, s. 45 (1); 2006, c. 23, s. 18 (1); 2009, c. 33, Schedule. 21, s. 10 (11).*

On July 1, 2016, Bill 73 came into effect which implemented a number of legislative changes to the *Planning Act*. As part of Bill 73, Section 45 of the *Planning Act*, R.S.O. 1990, c. P. 13 was amended (45 (1.3)) to put in place a two-year moratorium for minor variance applications within two years of the date of passing of a zoning by-law amendment. The intent of the changes to the *Planning Act* were to give greater control to municipalities to prevent the reversal of zoning provisions that council determined to be important through the by-law amendment processes. It was also recognized that there may be instances where material changes to development proposals are necessary and that minor relief from regulations are required to permit the development. To address this, provisions were further included in the *Planning Act*, R.S.O. 1990, c. P.13 (45 (1.4)) to allow, by council resolution, the opportunity to submit an application for a Minor Variance.

#### ***Two-year period, no application for minor variance***

*45 (1.3) Subject to subsection (1.4), no person shall apply for a minor variance from the provisions of the by-law in respect of the land, building or structure before the second anniversary of the day on which the by-law was amended. 2015, c. 26, s. 29 (2).*

**Exception**

*45 (1.4) Subsection (1.3) does not apply in respect of an application if the council has declared by resolution that such an application is permitted, which resolution may be made in respect of a specific application, a class of applications or in respect of such applications generally. 2015, c. 26, s. 29 (2).*

Municipal Council is requested, by way of the Planning and Environment Committee, in accordance with Section 45 (1.4), to permit such a resolution to be passed.

It should be noted that minor variance applications are deliberated by the Committee of Adjustment and that public notice to neighbouring properties would be provided should the Application be permitted to be made.

**3.0 Conclusion**

The Agent for the Applicant is seeking approval from the Municipal Council to provide for the submission of a Minor Variance Application for the property located at 307 Fanshawe Park Road East for a portion of the development to contain townhouses 3 units high, rather than the 2 units high as defined by the Zoning By-law.

If the Municipal Council resolves that the Agent for the Applicant may submit an application for a Minor Variance to the Committee of Adjustment, the merits of the proposed Application would be evaluated by the Committee of Adjustment. The Civic Administration will submit a Planning Report providing planning analysis of the request for the Committee of Adjustment's consideration.

<b>Submitted by:</b>	<b>CATHY SAUNDERS CITY CLERK</b>
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**VIA EMAIL**

June 3, 2020

Mayor Holder & Members of Council  
City of London  
300 Dufferin Street  
London, ON  
N6A 4L9

Attention: Ms. Cathy Saunders, City Clerk

**Re: Request for Council Resolution, under section 45(1.4) of the Planning Act, R.S.O. 1990, c.P.13  
Application for Minor Variance  
Royal Premier Homes  
307 Fanshawe Park Road East**

**Our File: RPH/LON/18-01**

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On behalf of Royal Premier Homes, Zelinka Priamo Limited seeks to obtain approval from the Municipal Council to submit a Minor Variance application for the property known as 307 Fanshawe Park Road East ("subject lands"). The Minor Variance Application is only required to address a technical non-compliance relating to the zoning definition for "Stacked Townhouses" as it applies to Building B of the approved development. **All aspects of the approved development, including unit count, density, building height, setbacks and parking, remain unchanged.**

Planning History

The Municipal Council at its meeting held on October 1, 2019, enacted By-Law Z.-1-192791 to amend Schedule "A" to By-law No. Z.-1, as amended, to change the zoning applicable to the lands located at 307 Fanshawe Park Road East, from Holding Residential R1/Bonus (h-5\*h-54\*h-89\*R1-8\*B-15) Zone TO a Holding Residential R5 Special Provision (h-5\*h-54\*h-89\*R5-7(\*)) Zone.

On October 4, 2019, the Applicant submitted a Request for Site Plan Consultation for the approved townhouse development.

On November 11, 2019, the Applicant submitted to the Urban Design Review Peer Panel a package of materials relating to the future Application for Site Plan Approval for the approved townhouse development.

On April 24, 2020, the Applicant submitted the Application for Site Plan Approval for the approved townhouse development (File Number SPC 19-154). Please note that this

Application for Site Plan Approval will be subject to a future public site plan review process. On May 22, 2020, Staff circulation comments regarding the Application for Site Plan Control Approval were provided. The comments stated (amongst other matters) that “Relief to the zoning permissions is required to permit the building form as proposed (Building B stacked 3 units high, whereas the definition of “Stacked Townhouse” is limited to 2).”

Proposed development

**The development remains unchanged from that which was approved by Council in October 2019.**

The approved development comprises a 3-storey, back-to-back, stacked-townhouse building containing 24 units (with units 2 levels high) fronting Fanshawe Park Road (Building A), and a 2-storey townhouse building containing 18 units (with units 3 levels high) at the rear of the property (Building B), for a total of 42 units on the site. A total of fifty-three (53) surface parking spaces (at a rate of 1.25 spaces per unit) are provided. Copies of the latest site plan, building elevations and floor plans are attached to this letter.

It is important to note that as part of the submission materials for the approved Zoning Bylaw Amendment Application, floor plans for both Building A and B were provided. **These floor plans have not changed.** Unfortunately, neither City Staff nor the Applicant were aware that the unit layout for Building B did not comply with the zoning definition for “Stacked Townhouse” at that time of approval, and an appropriate definition was omitted from site-specific by-law Z.-1-192791.

Zoning Bylaw

According to Section 2 (Definitions) of the By-law No. Z.-1, “Stacked Townhouse” “means a building designed to contain three or more dwelling units attached side by side, two units high, with each dwelling unit having a private entrance to grade level and a private open space area of any upper unit may utilize a portion of the roof of any lower unit...”

The building form of approved Building B does not technically comply with the above definition because the dwelling units are designed to be 3 levels high i.e. basement, first and second levels, rather than 2 units high.

Future Minor Variance Application

It is our opinion that the future Minor Variance Application, which would propose a zoning definition which permits dwelling units three levels high for Building B, will meet the 4 tests under of the Section 45(1) of the Planning Act.

It is considered that there will be no significant adverse impacts for neighbouring land uses as a result of granting this request or the proposed variance.

Based on the above, the proposed development, which remains unchanged from that which was approved by Council in October 2019, continues to be appropriate and represents sound land use planning principles consistent with the Provincial Policy Statement, the (1989) Official Plan, and the London Plan. The proposed development remains compatible with, and respects, the surrounding uses while at the same time responding to and achieving the goals of the Province of Ontario and the City of London as it relates to residential intensification and infill development in appropriate locations. **As such, we respectfully request that Council approve our request to submit a Minor variance application to address this technical zoning matter.**

If we can be of any assistance, please do not hesitate to contact the undersigned.

Yours very truly,

**ZELINKA PRIAMO LTD.**

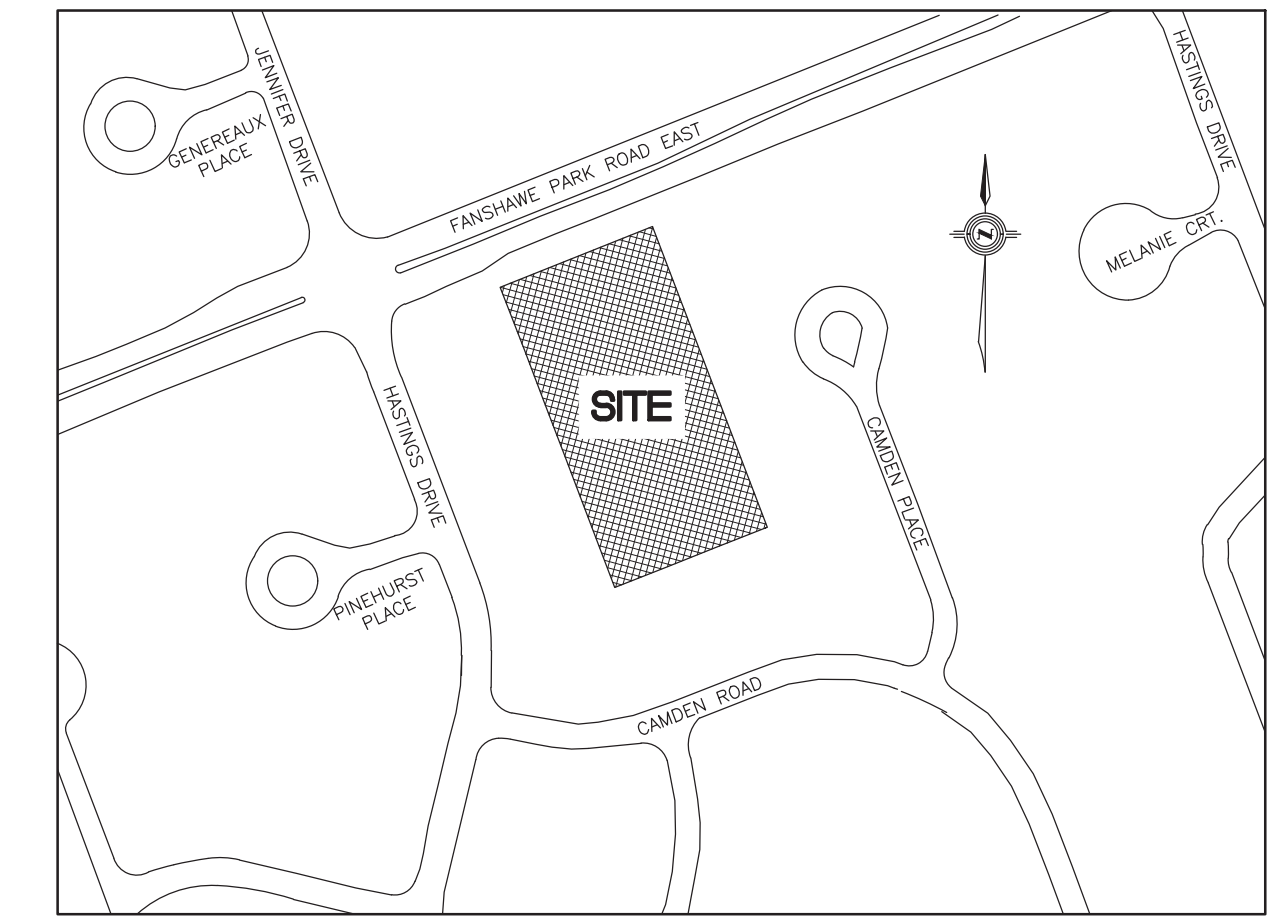
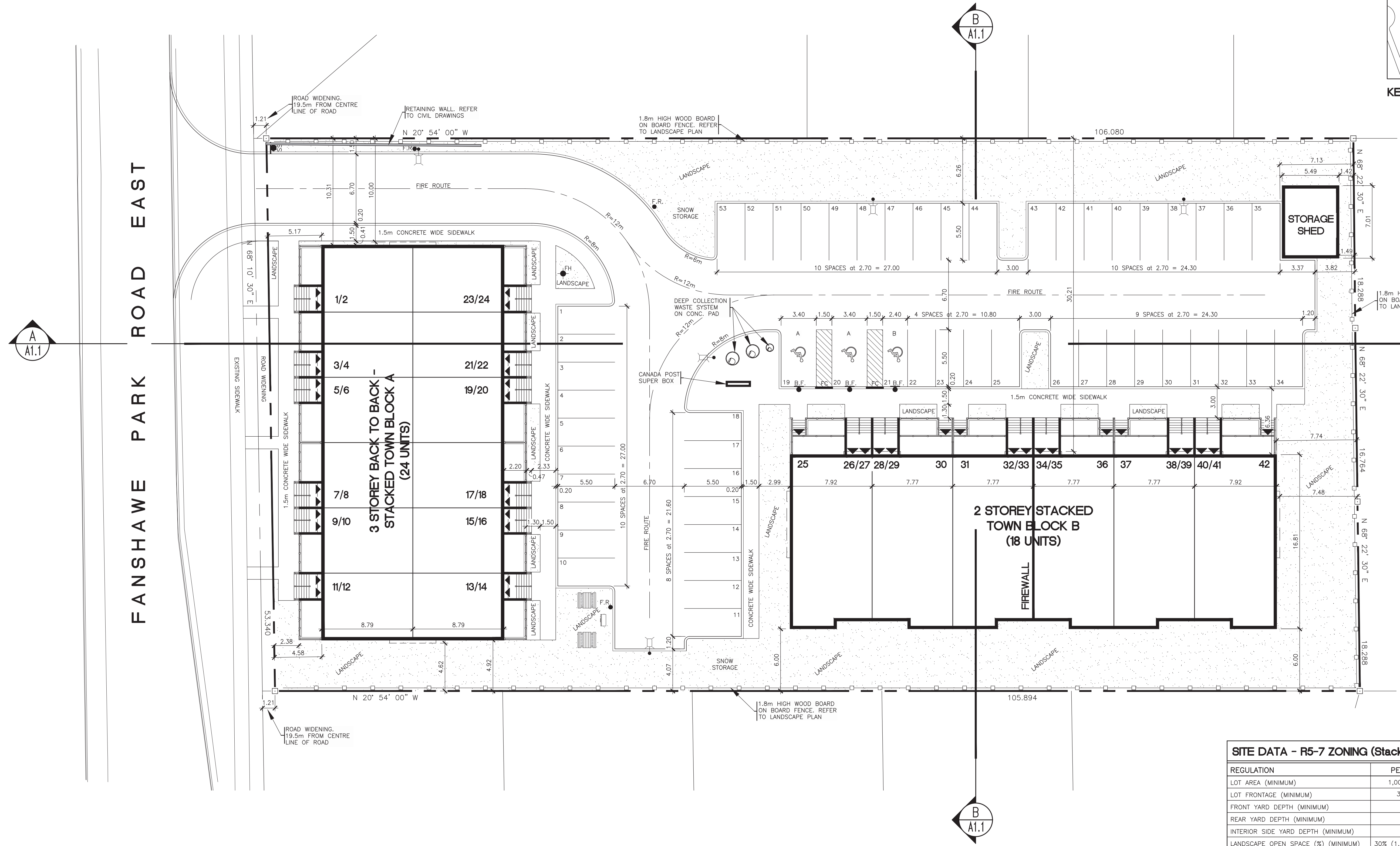


Dave Hannam, BRP, MCIP, RPP  
Senior Associate

Cc: The client (Via Email)  
Melissa Campbell, Manager, Development Planning (Current Planning) (Via Email)  
Heather McNeely, Manager, Development Services (Site Plan) (via Email)  
Meg Sundercock, Site Development Planner, Development Services (Via Email)



FANSHAWE PARK ROAD EAST



KEY MAP

ONTARIO ASSOCIATION OF ARCHITECTS  
22 APRIL 2020  
MARK BUCKLEY  
LICENCE 8105

ORCHARD ARCHITECTURE INC.  
1518 BAYVIEW AVE. #100  
SCARBOROUGH, ONT. M1S 5B7

PEFC ARCHITECTURE + INTERIORS  
1518 BAYVIEW AVE. #100  
SCARBOROUGH, ONT. M1S 5B7

RPH ROYAL PREMIER HOMES

**LEGEND**

IRON BAR	
PROPERTY LINE	
MAN DOOR ENTRANCE / EXIT	
6.1m WIDE FIRE ROUTE	
FIRE HYDRANT	
STOP SIGN	
NO PARKING FIRE ROUTE SIGNAGE	
STREET LIGHT (REFER TO SITE LIGHTING PLAN)	
FLUSHED CURB	
BARRIER FREE PARKING SIGN	

**SITE DATA - R5-7 ZONING (Stacked Townhouses)**

REGULATION	PERMITTED	PROPOSED
LOT AREA (MINIMUM)	1,000 sq.m.	5,585.14 sq.m. (0.56ha)
LOT FRONTAGE (MINIMUM)	30.00 m	53.34 m
FRONT YARD DEPTH (MINIMUM)	4.58 m	4.58 m
REAR YARD DEPTH (MINIMUM)	6.00 m	7.74 m
INTERIOR SIDE YARD DEPTH (MINIMUM)	4.92 m	4.92m(WEST)/10.32m(EAST)
LANDSCAPE OPEN SPACE (%) (MINIMUM)	30% (1,984.20 sq.m)	36.8% (2,053.60 sq.m.)
LOT COVERAGE (%) (MAXIMUM)	45% (2,931.30 sq.m)	32.49% (1,814.67 sq.m.)
STORAGE GARAGE COVERAGE	10% (555.8 sq.m)	0.007% (37.16 sq.m.)
HEIGHT (MAXIMUM) FRONT 30m	12.0 m	11.92 m
HEIGHT (MAXIMUM) BALANCE OF SITE	10.0 m	9.45 m
DENSITY - UNITS per HECTARE (MAX.)	42 UNITS (75units/ha)	42 UNITS (75 units/ha)
OFF STREET PARKING SPACES (MAXIMUM)	1.25x42 = 53	53 SPACES
ACCESSIBLE PARKING (MINIMUM)	3 (2 TYPE 'A' AND 1 TYPE 'B')	3 (2 TYPE 'A' AND 1 TYPE 'B')
ACCESS TO DRIVEWAYS TO PARKING AREAS AND SPACES (MINIMUM)	6.70 m	6.70 m

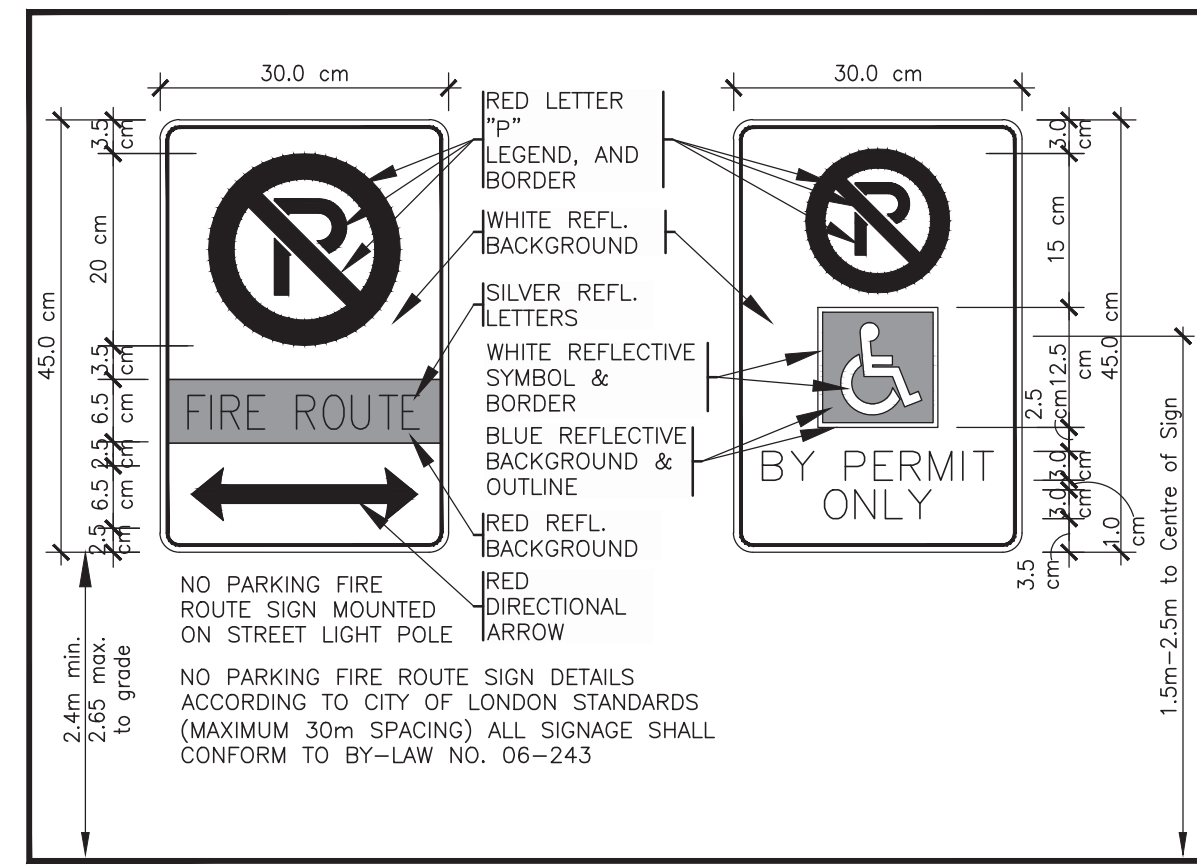
UNIT MIX:  
42 STACKED TOWNHOUSES

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PLOTTED: 2020-04-14 5:11 PM	NO. REVISION
SCALE: 1:200	DATE
DWN BY: KSR	DATE

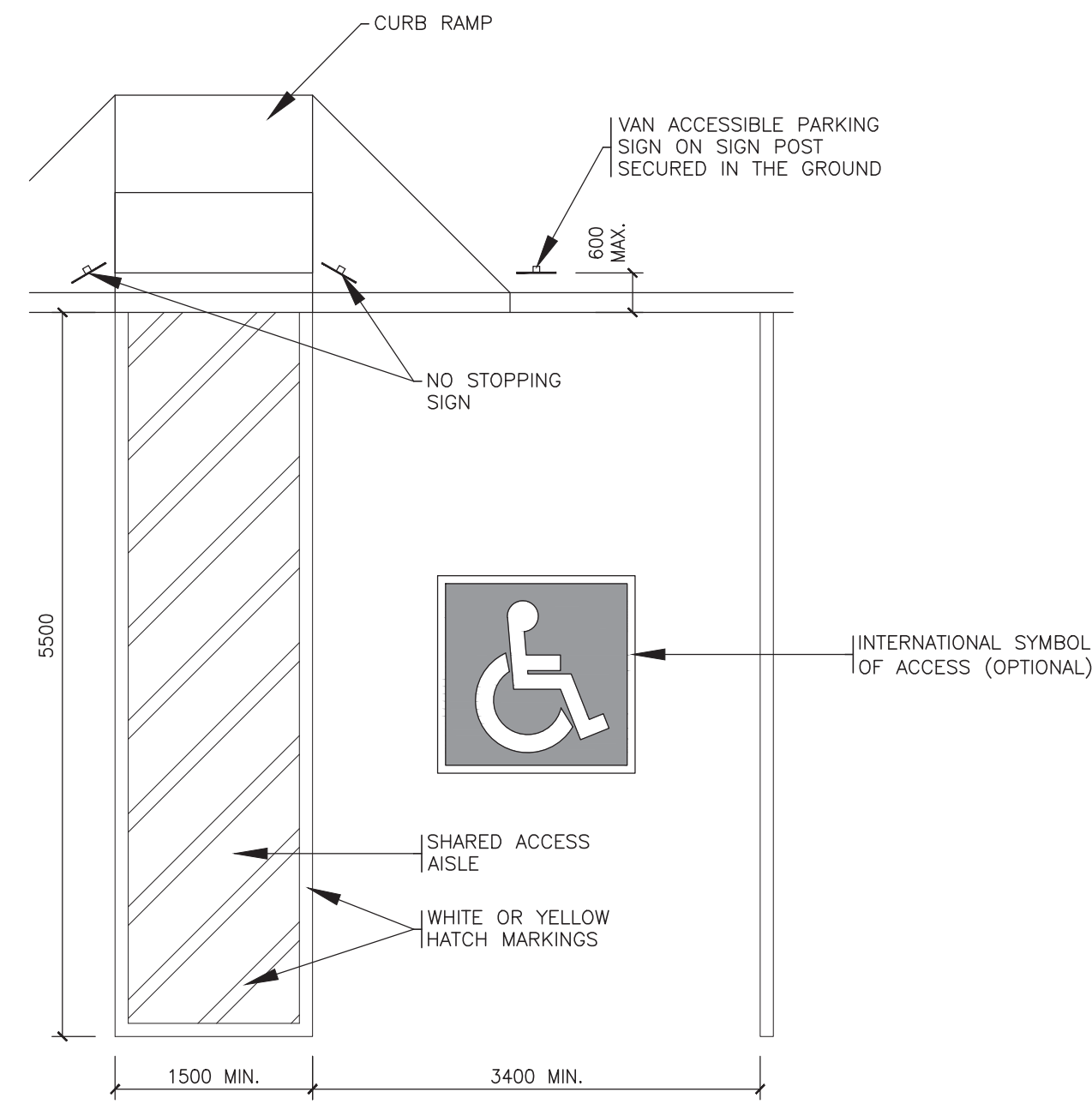
PROJECT: STACKED TOWNHOUSE DEVELOPMENT  
307 FANSHAWE PARK ROAD, EAST, LONDON  
TITLE: SITE PLAN

SHEET No. **A1.1**

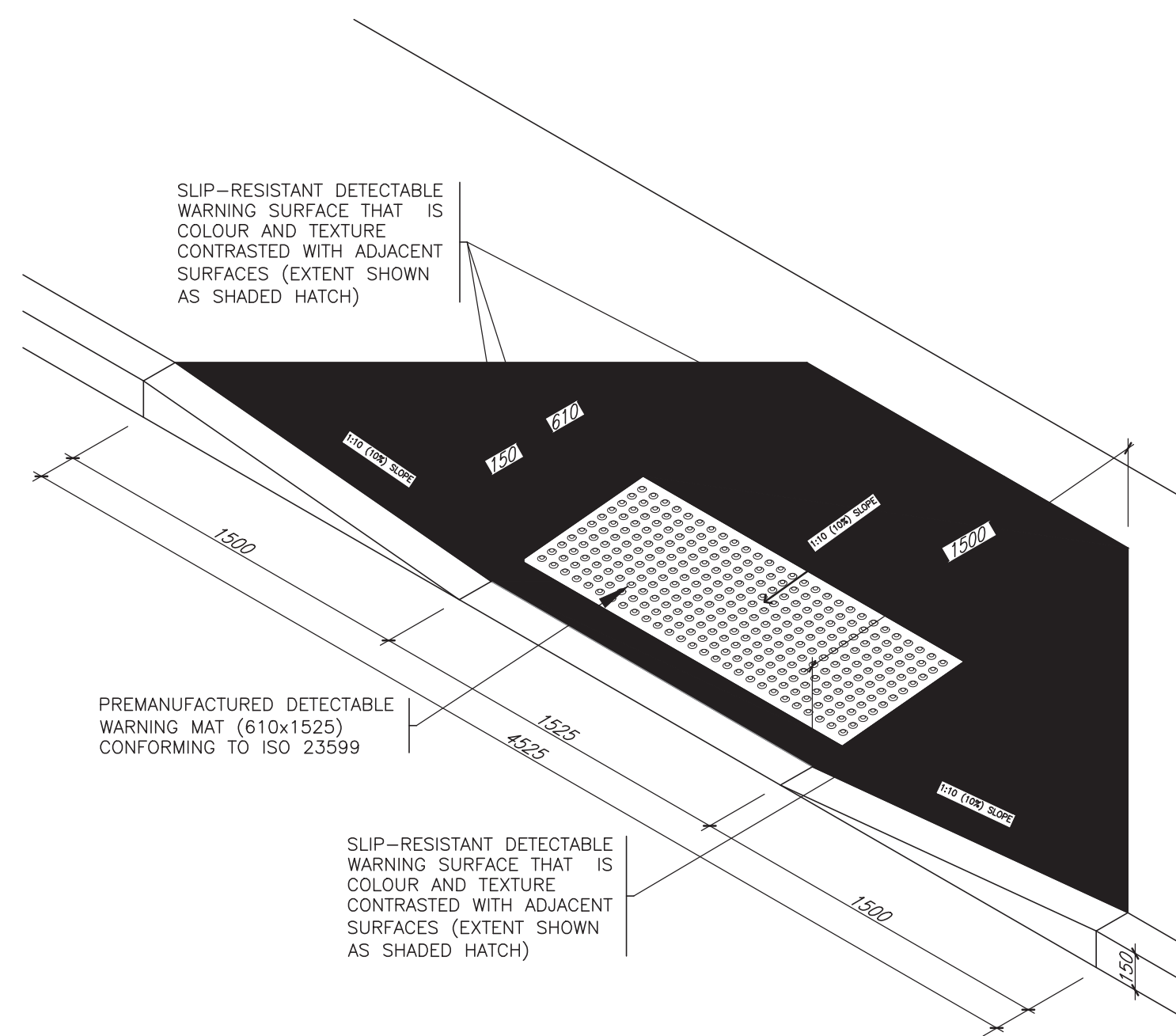




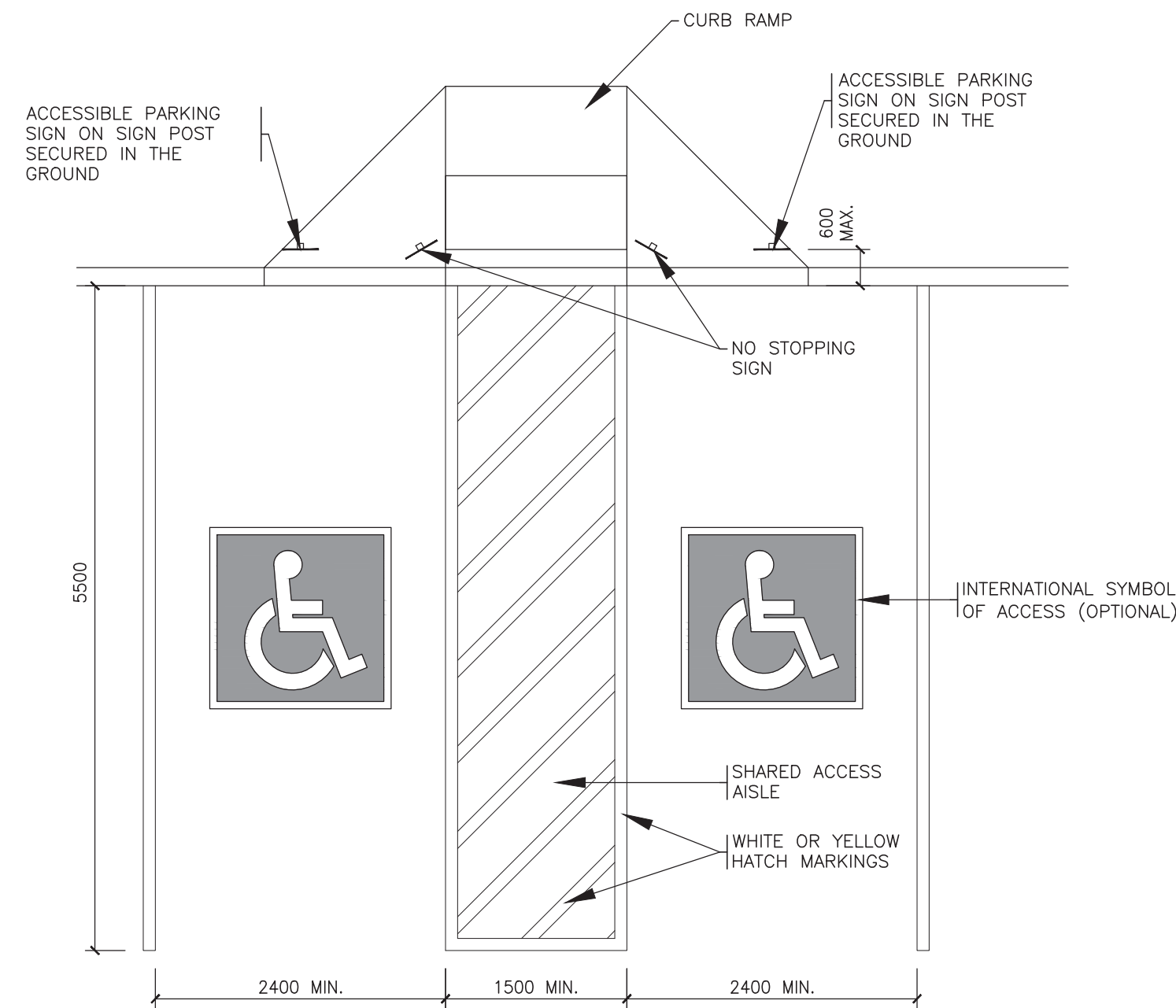
**1 FIRE ROUTE + BARRIER FREE SIGN DETAIL**  
A1.2 N.T.S.



**3 TYPE 'A' BARRIER FREE PARKING DETAILS**  
A1.2 N.T.S.



**2 DROPPED CURB DETAIL**  
A1.2 N.T.S.



**4 TYPE 'B' BARRIER FREE PARKING DETAILS**  
A1.2 N.T.S.

Ontario Building Code Data Matrix Part 3 and 9		OBC Reference	
1	PROJECT DESCRIPTION: BACK TO BACK STACKED TOWNHOUSES - BLOCK 'A'	NEW	PART 11
2	MAJOR OCCUPANCY(S): GROUP C RESIDENTIAL	EXISTING: 0.0 m <sup>2</sup> NEW: 669.65 m <sup>2</sup> TOTAL: 669.65 m <sup>2</sup>	3.1.2.1(1)
3	BUILDING AREA(m <sup>2</sup> )	EXISTING: 0.0m <sup>2</sup> NEW: 2,040.01 m <sup>2</sup> TOTAL: 2,040.01 m <sup>2</sup>	1.1.3.2
4	GROSS AREA(m <sup>2</sup> )	EXISTING: 0.0m <sup>2</sup> NEW: 2,040.01 m <sup>2</sup> TOTAL: 2,040.01 m <sup>2</sup>	1.1.3.2
5	NUMBER OF STOREYS	ABOVE GRADE: 3 BELOW GRADE: 1	3.2.1.1 & 1.1.3.2
6	NUMBER OF STREETS / FIRE FIGHTER ACCESS	3 STREETS	3.2.2.10 & 3.2.5
7	BUILDING CLASSIFICATION	3.2.2.45 GROUP C UP TO 3 STOREYS	9.10.4
8	SPRINKLER SYSTEM PROPOSED	ENTIRE BUILDING SELECTED COMPARTMENTS SELECTED FLOOR AREAS BASEMENT IN LIEU OF ROOF RATING NOT REQUIRED	3.2.2.20-83 3.2.1.5 3.2.2.17 INDEX
9	STANDPIPE REQUIRED	YES NO	3.2.9
10	FIRE ALARM REQUIRED	YES NO	3.2.4
11	WATER SERVICE / SUPPLY IS ADEQUATE	YES NO	3.2.5.7
12	HIGH BUILDING	YES NO	3.2.6
13	CONSTRUCTION RESTRICTIONS	COMBUSTIBLE NON-COMBUSTIBLE BOTH	3.2.2.20-83
14	MEZZANINE(S) AREA(m <sup>2</sup> )	EXISTING AREA: N/A NEW AREA: N/A	---
15	OCCUPANT LOAD BASED ON:	m <sup>2</sup> /PERSON BY DESIGN OF BUILDING (BASED ON 2 PERSONS PER BEDROOM)	3.1.16
16	BARRIER FREE DESIGN	YES NO (EXPLAIN)	3.8
17	HAZARDOUS SUBSTANCES	YES NO	3.3.1.2 & 3.3.1.9
18	REQUIRED FIRE RESISTANCE RATING (FRR)	HORIZONTAL ASSEMBLIES FRR (HOURS) FLOORS 45 MIN. ROOF N/A HOURS MEZZ N/A HOURS FRR OF SUPPORTING MEMBERS FLOORS 45 MIN. ROOF N/A HOURS MEZZ N/A HOURS	LISTED DESIGN No. OR DESCRIPTION (SG-2) OBC SB-3 (F21c) N/A N/A LISTED DESIGN No. OR DESCRIPTION (SG-2) OBC SB-3 (WE1WE2) NOT APPLICABLE NOT APPLICABLE
19	SPATIAL SEPARATION - CONSTRUCTION OF EXTERIOR WALLS		3.2.3.
	WALL	AREA OF EBF (m <sup>2</sup> )	L/D OR H/L
	NORTH	38.03	13.59
	SOUTH	46.43	10.00
	WEST	46.43	4.62

**5 O.B.C. MATRIX**  
A1.2

Ontario Building Code Data Matrix Part 9		OBC Reference	
1	PROJECT DESCRIPTION: STACKED TOWNHOUSES - BLOCK 'B'	NEW	PART 9
2	MAJOR OCCUPANCY(S): GROUP C RESIDENTIAL	EXISTING: 0.0 m <sup>2</sup> NEW: 386.8 m <sup>2</sup> / SIDE (FIREWALL) TOTAL: 773.60 m <sup>2</sup>	9.10.2
3	BUILDING AREA(m <sup>2</sup> )	EXISTING: 0.0m <sup>2</sup> NEW: 2,329.66 m <sup>2</sup> TOTAL: 2,329.66 m <sup>2</sup>	1.1.3.2
4	GROSS AREA(m <sup>2</sup> )	EXISTING: 0.0m <sup>2</sup> NEW: 2,329.66 m <sup>2</sup> TOTAL: 2,329.66 m <sup>2</sup>	1.1.3.2
5	NUMBER OF STOREYS	ABOVE GRADE: 3 BELOW GRADE: 1	2.1.1.3
6	NUMBER OF STREETS / FIRE FIGHTER ACCESS	2 STREETS	9.10.19
7	BUILDING CLASSIFICATION	PART 9	9.10.4
8	SPRINKLER SYSTEM PROPOSED	ENTIRE BUILDING SELECTED COMPARTMENTS SELECTED FLOOR AREAS BASEMENT IN LIEU OF ROOF RATING NOT REQUIRED	9.10.6
9	STANDPIPE REQUIRED	YES NO	N/A
10	FIRE ALARM REQUIRED	YES NO	9.10.17.2
11	WATER SERVICE / SUPPLY IS ADEQUATE	YES NO	N/A
12	HIGH BUILDING	YES NO	N/A
13	CONSTRUCTION RESTRICTIONS	COMBUSTIBLE NON-COMBUSTIBLE BOTH	9.10.6
14	MEZZANINE(S) AREA(m <sup>2</sup> )	EXISTING AREA: N/A NEW AREA: N/A	---
15	OCCUPANT LOAD BASED ON:	m <sup>2</sup> /PERSON BY DESIGN OF BUILDING (BASED ON 2 PERSONS PER BEDROOM)	9.9.1.3
16	BARRIER FREE DESIGN	YES NO	9.5.2
17	HAZARDOUS SUBSTANCES	YES NO	9.10.1.3(4)
18	REQUIRED FIRE RESISTANCE RATING (FRR)	HORIZONTAL ASSEMBLIES FRR (HOURS) FLOORS 45 MIN. ROOF N/A HOURS MEZZ N/A HOURS FRR OF SUPPORTING MEMBERS FLOORS 45 MIN. ROOF N/A HOURS MEZZ N/A HOURS	LISTED DESIGN No. OR DESCRIPTION (SG-2) OBC SB-3 (F21c) N/A N/A LISTED DESIGN No. OR DESCRIPTION (SG-2) OBC SB-3 (WE1WE2) NOT APPLICABLE NOT APPLICABLE
19	SPATIAL SEPARATION - CONSTRUCTION OF EXTERIOR WALLS		3.2.3.
	WALL	AREA OF EBF (m <sup>2</sup> )	L/D OR H/L
	NORTH	47.4	13.59
	SOUTH	47.4	7.48
	EAST	25.6	30.21
	WEST	22.4	6.00

**6 O.B.C. MATRIX**  
A1.2



STATUS: SITE PLAN APPROVAL	DATE: APRIL 2020
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OWN: BJK	DATE: APRIL 2020

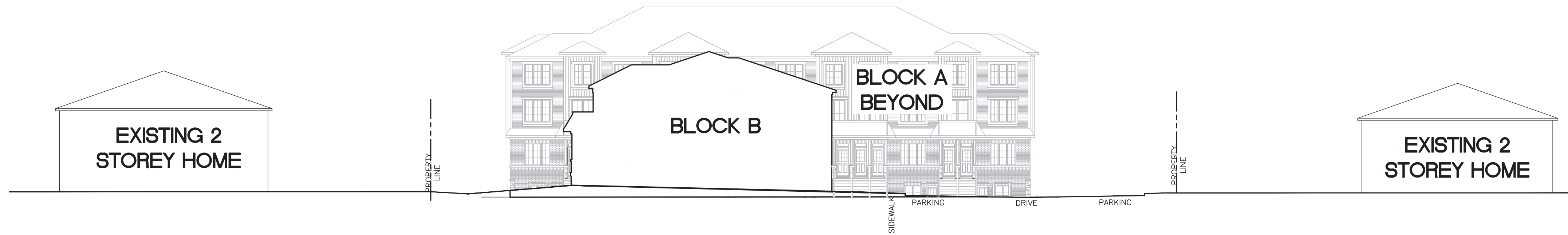
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307 FANSHAWE PARK ROAD, EAST, LONDON	SCALE: N.T.S.
TITLE: BARRIER FREE DETAILS AND O.B.C. MATRIX	OWN: BJK

FILE: 307 Fanshawe E-SITE.dwg  
FOLDER: ROYAL PREMIER HOMES  
PROJECT: STACKED TOWNHOUSE DEVELOPMENT  
307 FANSHAWE PARK ROAD, EAST, LONDON  
TITLE: BARRIER FREE DETAILS AND O.B.C. MATRIX  
SHEET No. **A1.2**





**SITE CROSS SECTION 'A' (NORTH TO SOUTH)**



**SITE CROSS SECTION 'B' (EAST - WEST)**

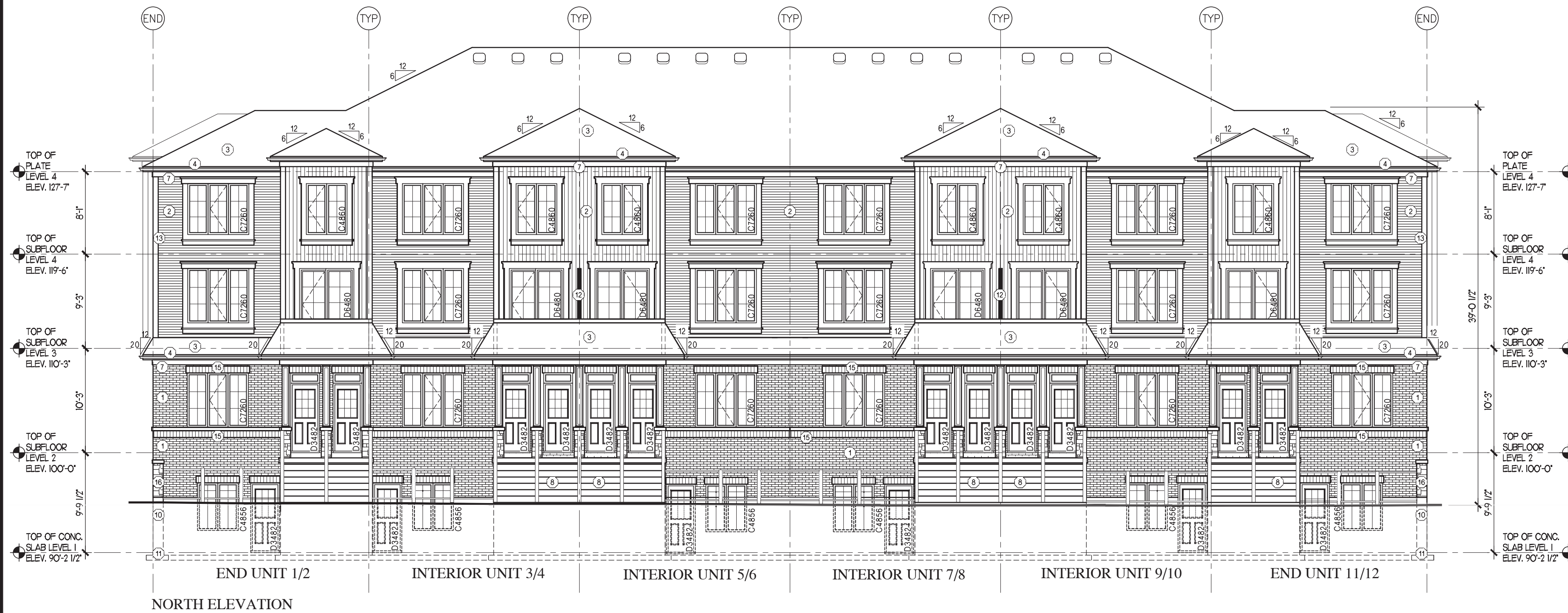


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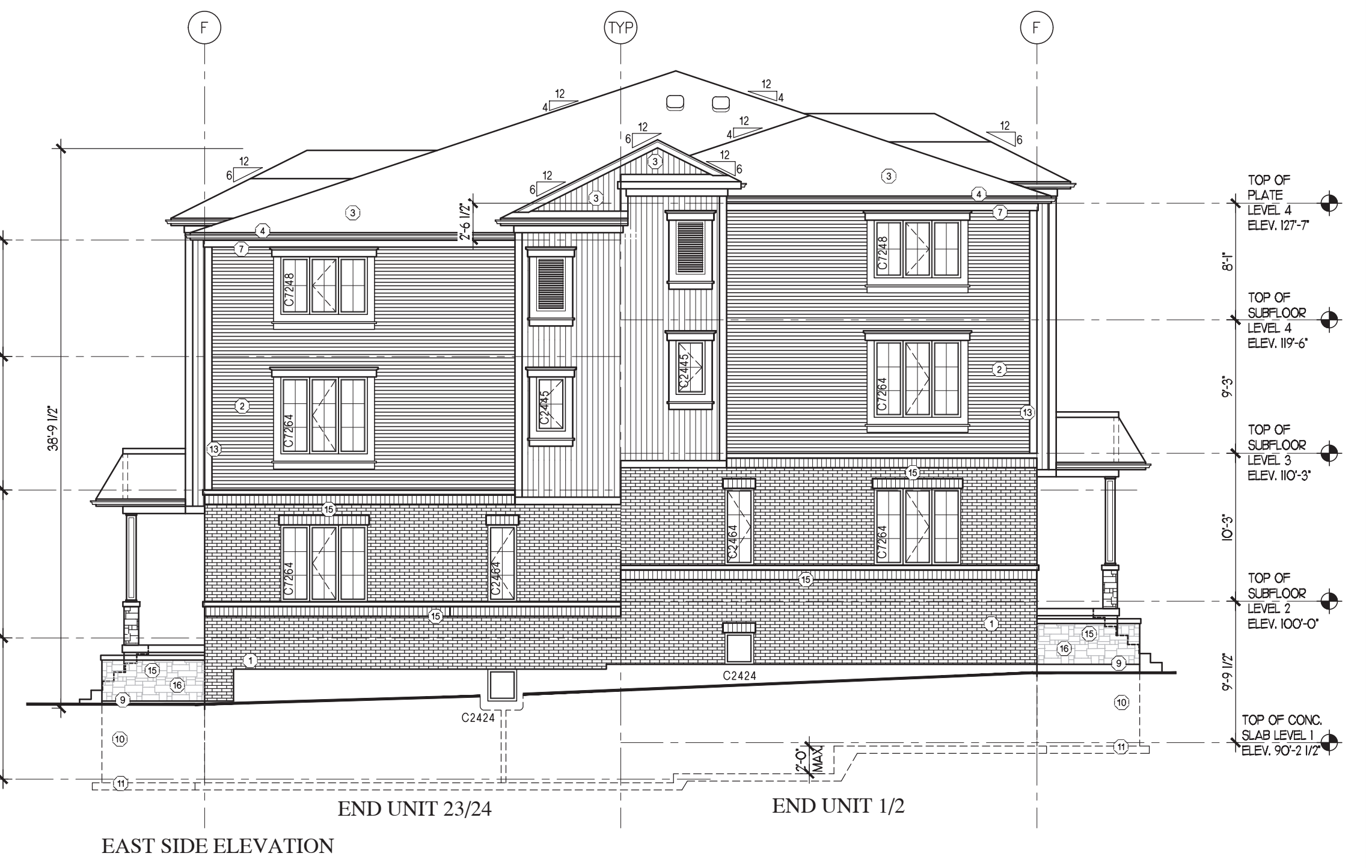
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TITLE: SITE SECTIONS

SHEET No.	A1.3
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FILE: FOLDER: BLOCK-J



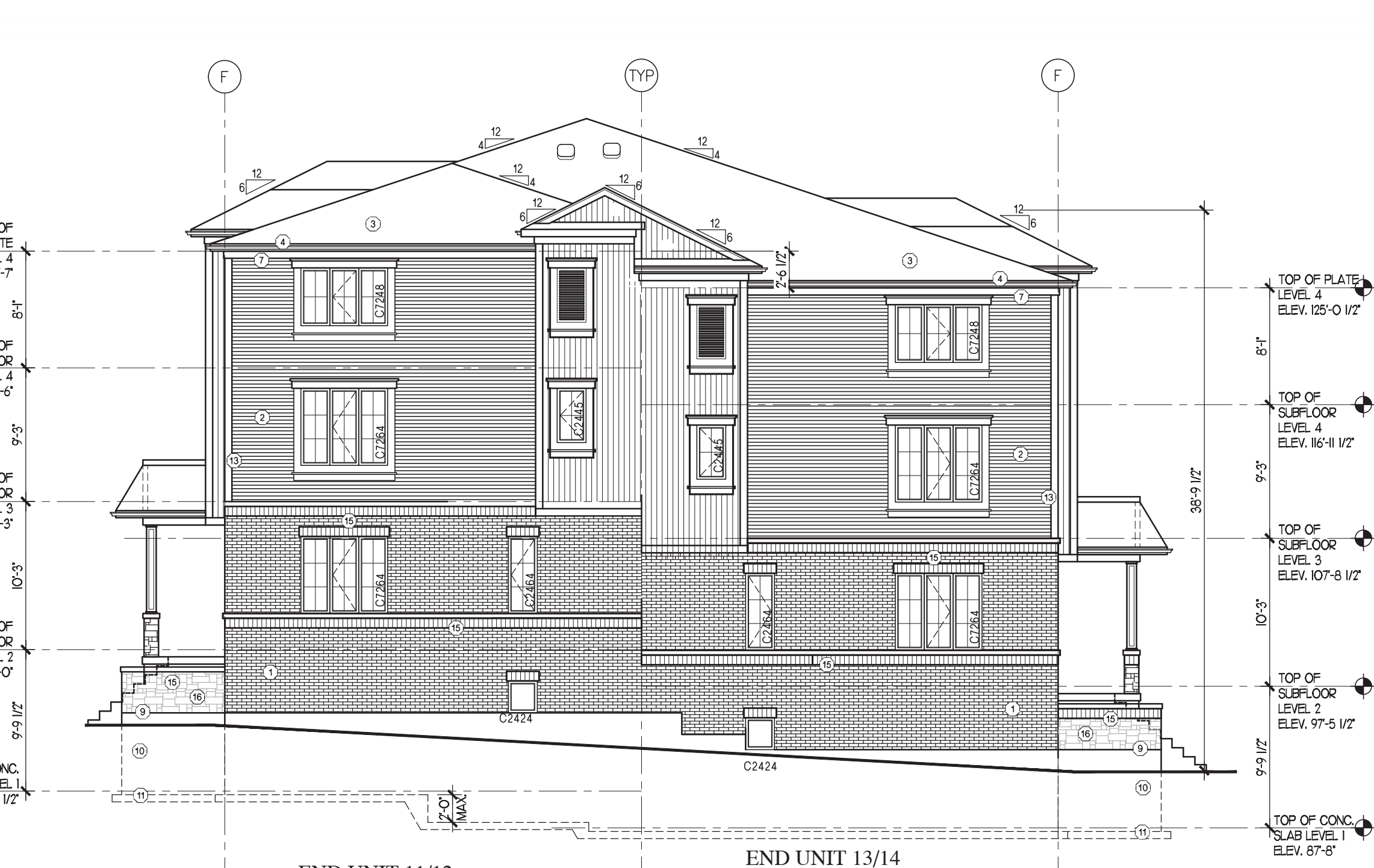
NORTH ELEVATION



EAST SIDE ELEVATION



SOUTH ELEVATION



WEST SIDE ELEVATION

**MATERIAL LEGEND**

- |   |                             |
|---|-----------------------------|
| 1 BRICK VENEER  | 11 CONCRETE FOOTING         |
| 2 HORIZONTAL/VERTICAL SIDING                          | 12 72" HIGH PRIVACY FENCE   |
| 3 ALUMINUM CLAD ROOF                                  | 13 PREFINISHED 2"/6" BATTEN |
| 4 PREFINISHED ALUMINUM EAVESTROUGH, FASCIA AND SOFFIT | 14 ALUMINUM CLAD PORCH BEAM |
| 5 42" HIGH RAILING/GUARD                              | 15 BRICK SOLDER COURSE      |
| 6 PREFINISHED 6" ALUMINUM FRIEZE BOARD                | 16 STONE VENEER             |
| 7   |                             |
| 8 PRECAST CONCRETE ENTRY STEPS                        |                             |
| 9 FINISHED GRADE                                      |                             |
| 10 CONCRETE FOUNDATION                                |                             |



STATUS: SITE PLAN APPROVAL  
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 SCALE: 1/8" = 1'-0"  
 DWN BY: S.S.  
 DATE: APRIL 2020

NO.	REVISION

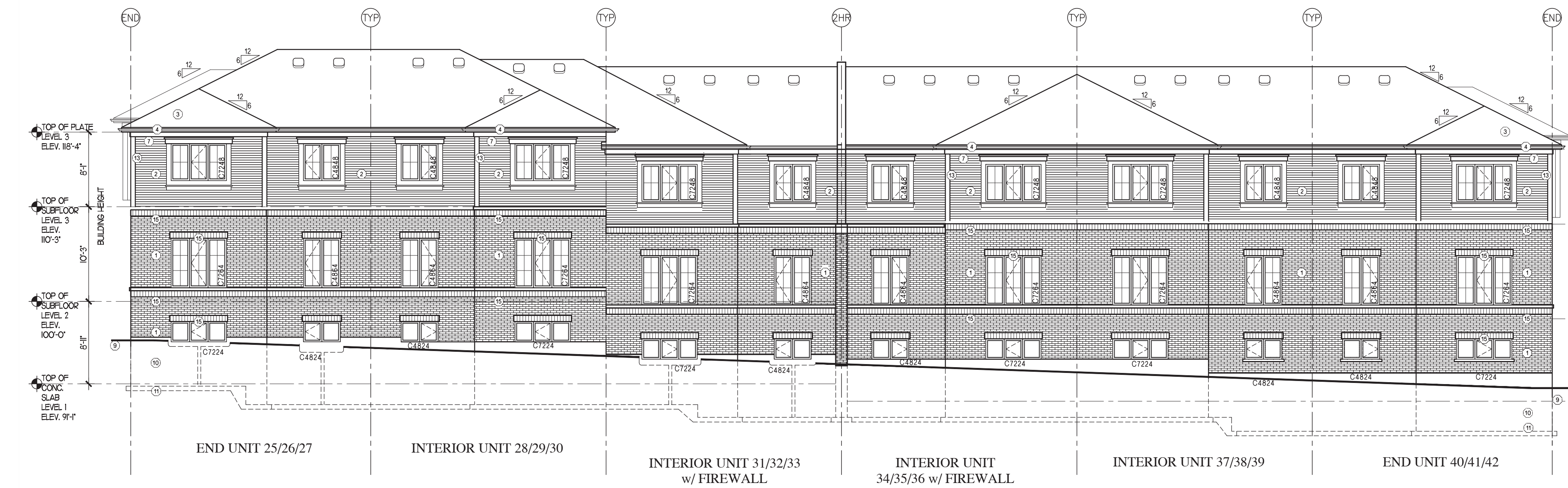
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 307 FANSHAW PARK ROAD, EAST, LONDON  
 TITLE: BLOCK 'A' OVERALL ELEVATIONS

SHEET No. **A2.01**





EAST ELEVATION



WEST ELEVATION



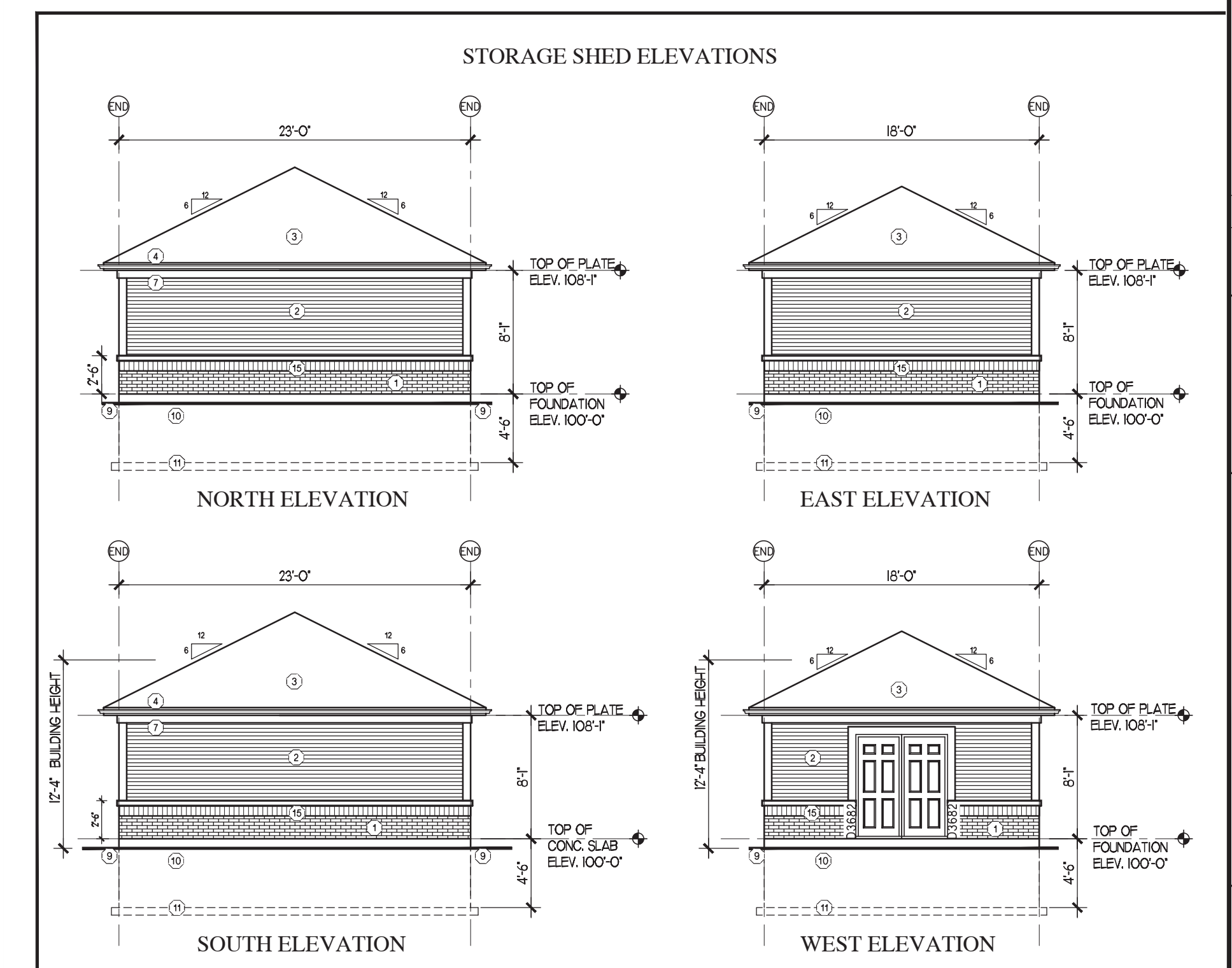
SOUTH ELEVATION END UNIT 40/41/42



NORTH ELEVATION

**MATERIAL LEGEND**

- |   |                             |
|---|-----------------------------|
| 1 BRICK VENEER  | 11 CONCRETE FOOTING         |
| 2 HORIZONTAL/VERTICAL SIDING                          | 12 72" HIGH PRIVACY FENCE   |
| 3 ALUMINUM CLAD ROOF                                  | 13 PREFINISHED 2"X6" BATTEN |
| 4 PREFINISHED ALUMINUM EAVESTROUGH, FASCIA AND SOFFIT | 14 ALUMINUM CLAD PORCH BEAM |
| 5 42" HIGH RAILING/GUARD                              | 15 BRICK SOLDER COURSE      |
| 6 PREFINISHED 6" ALUMINUM FRIEZE BOARD                | 16 STONE VENEER             |
| 7 PRECAST CONCRETE ENTRY STEPS                        |                             |
| 8 FINISHED GRADE                                      |                             |
| 9 CONCRETE FOUNDATION                                 |                             |



**STORAGE SHED ELEVATIONS**

**ORCHARD ARCHITECTS**  
 22 APRIL 2020  
 MARK BUCKLEY  
 LICENCE  
 8105

**PEG architecture + interiors**  
 1750 MIDLAND AVE. SUITE 1000, TORONTO, ONT. M2M 1B7  
 416-291-2222

**RPH ROYAL PREMIER HOMES**

**STACKED TOWHOUSE DEVELOPMENT**  
 307 FANSHAW PARK ROAD, EAST, LONDON

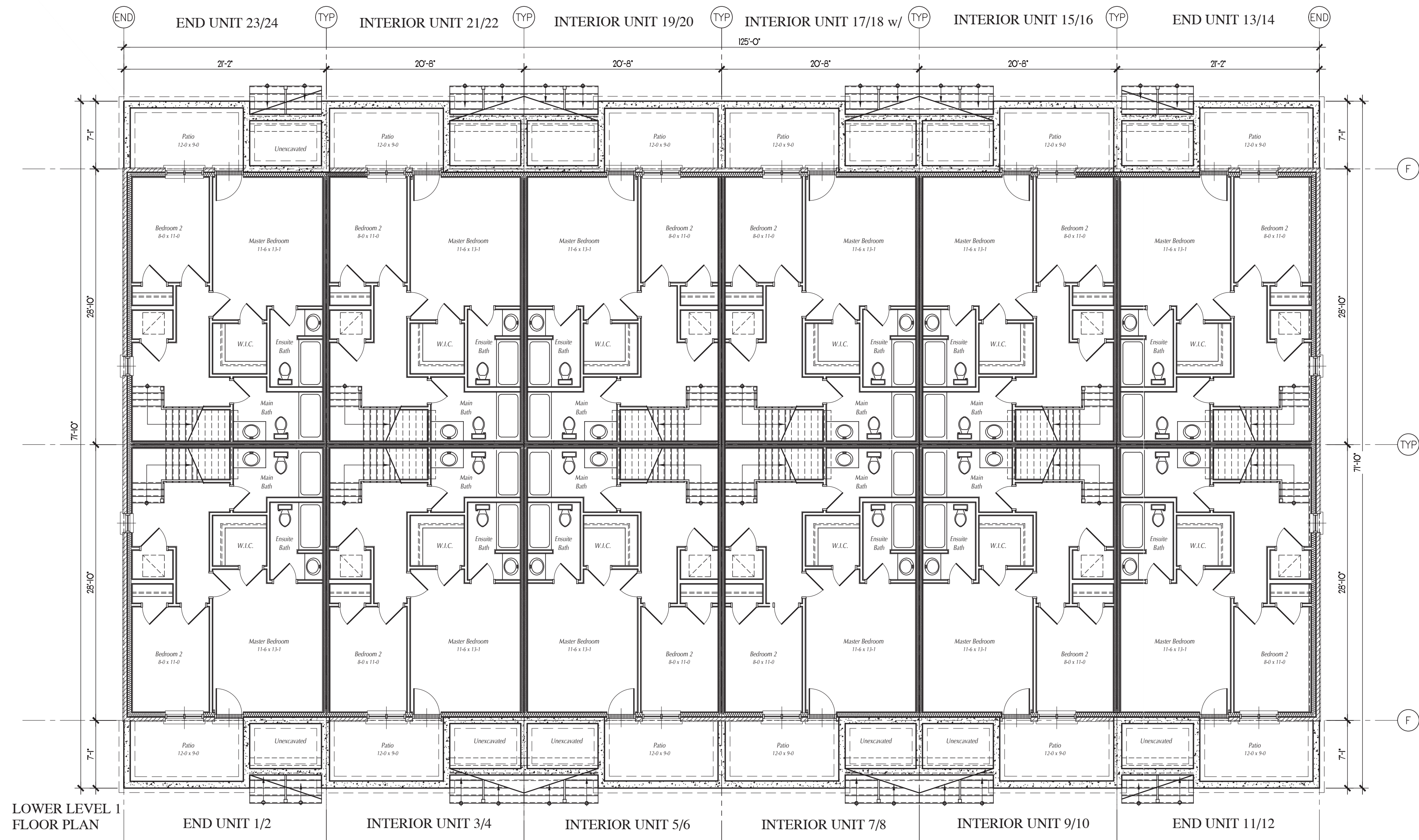
**BLOCK 'B' OVERALL ELEVATIONS**

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 DWN BY: S.S. DATE: APRIL 2020  
 SHEET No. REVISION

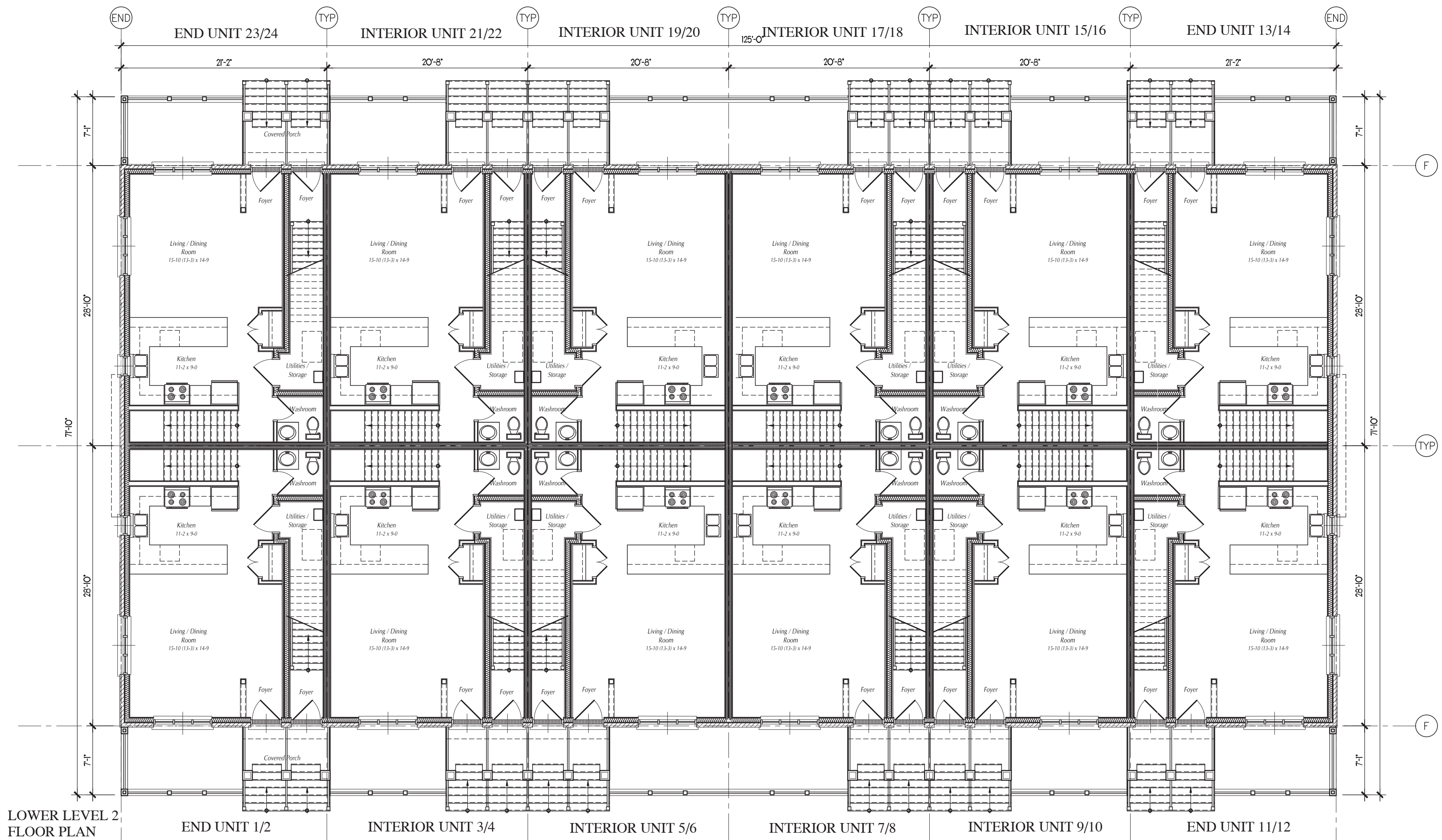
**A2.02**

FILE: FOLDER: BLOCK-J



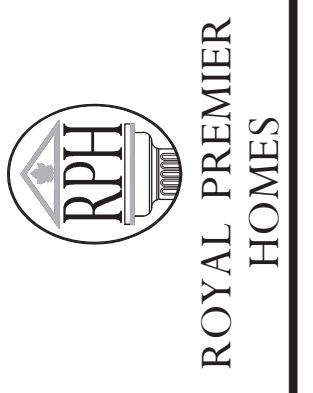
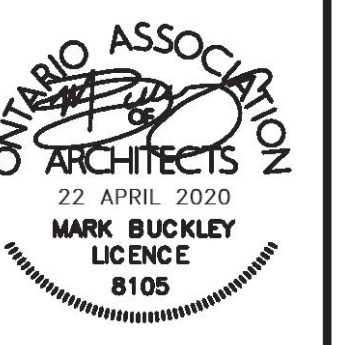


LOWER LEVEL 1  
FLOOR PLAN



LOWER LEVEL 2  
FLOOR PLAN

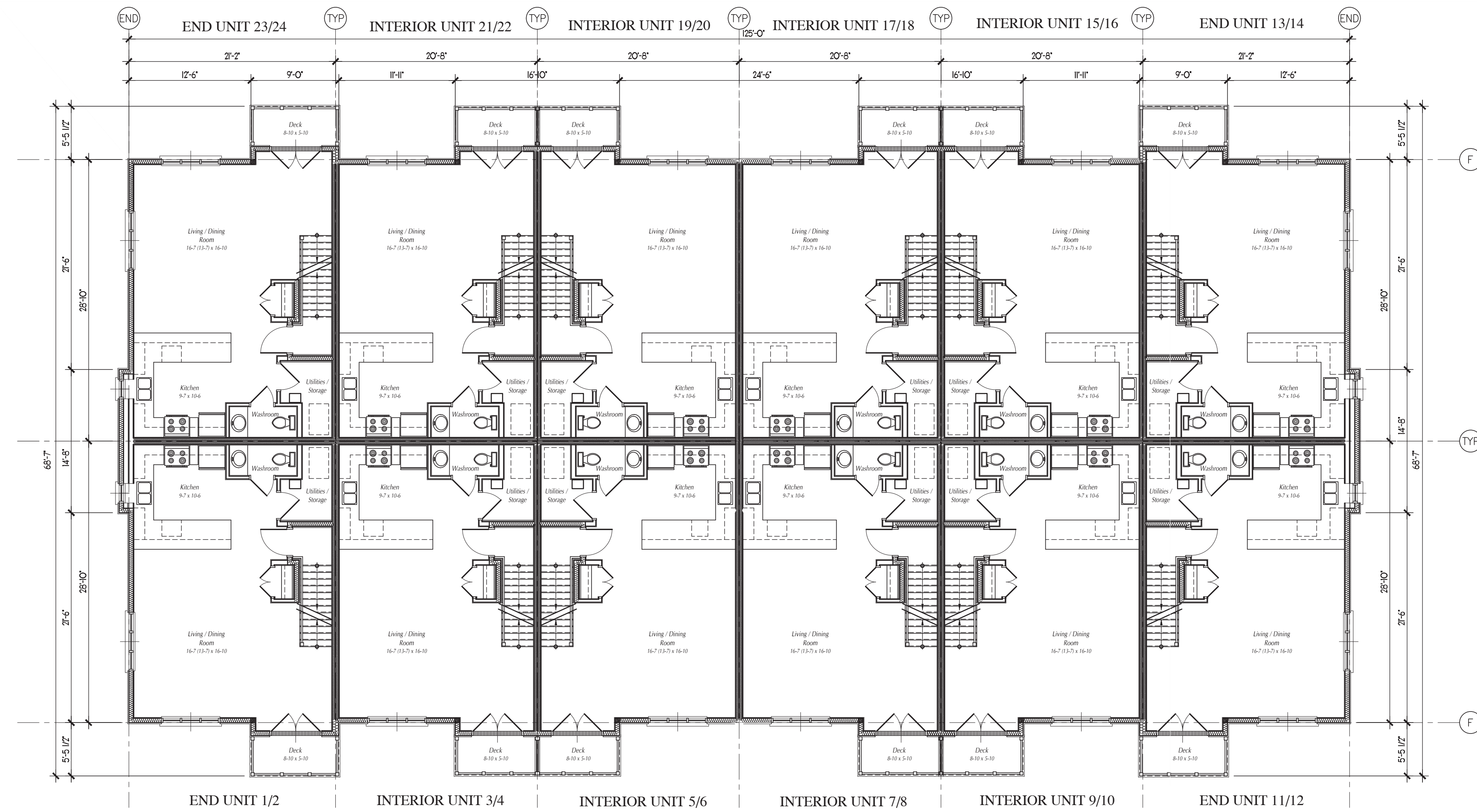
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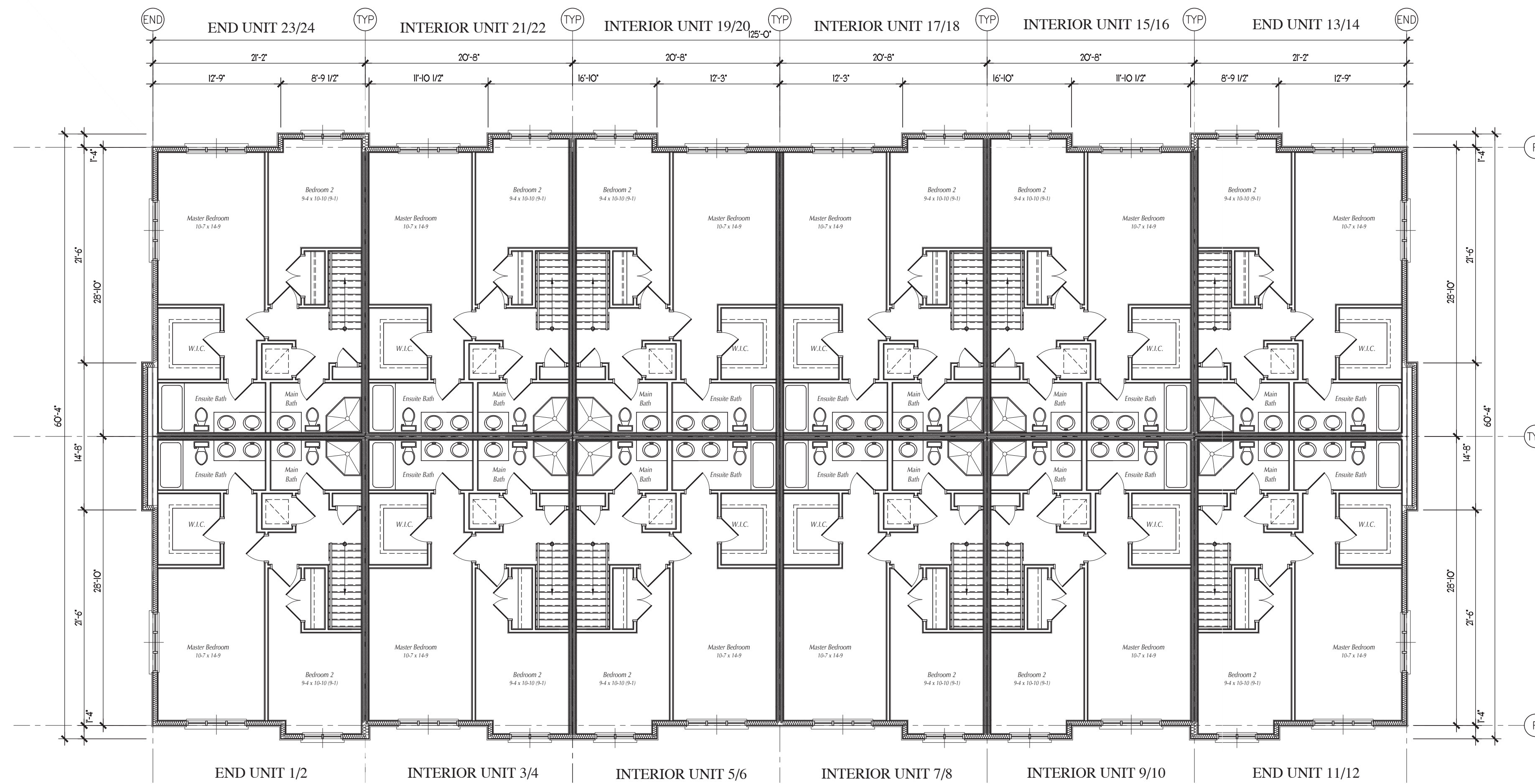
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PLOTTED:	DATE:	
SCALE: 1/8" = 1'-0"	DATE:	
DWN BY: S.S.	DATE:	
DATE: APRIL 2020	DATE:	

PROJECT: STACKED TOWHOUSE DEVELOPMENT  
307 FANSHAW PARK ROAD, EAST, LONDON  
TITLE: BLOCK 'A' OVERALL PLANS  
SHEET No. **A2.03**





UPPER LEVEL 3 FLOOR PLAN



UPPER LEVEL 4 FLOOR PLAN

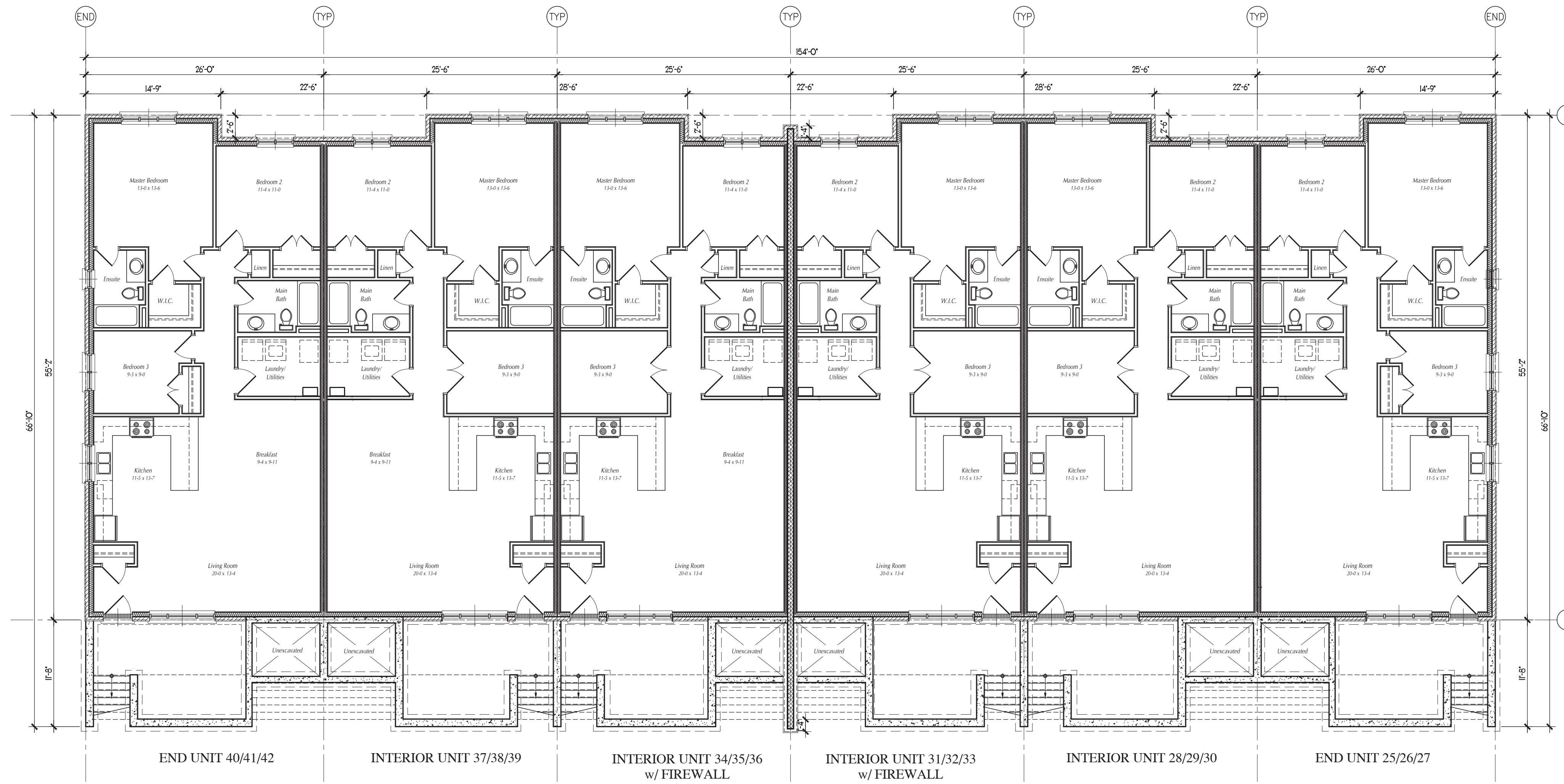


STATUS	DATE	NO.	REVISION

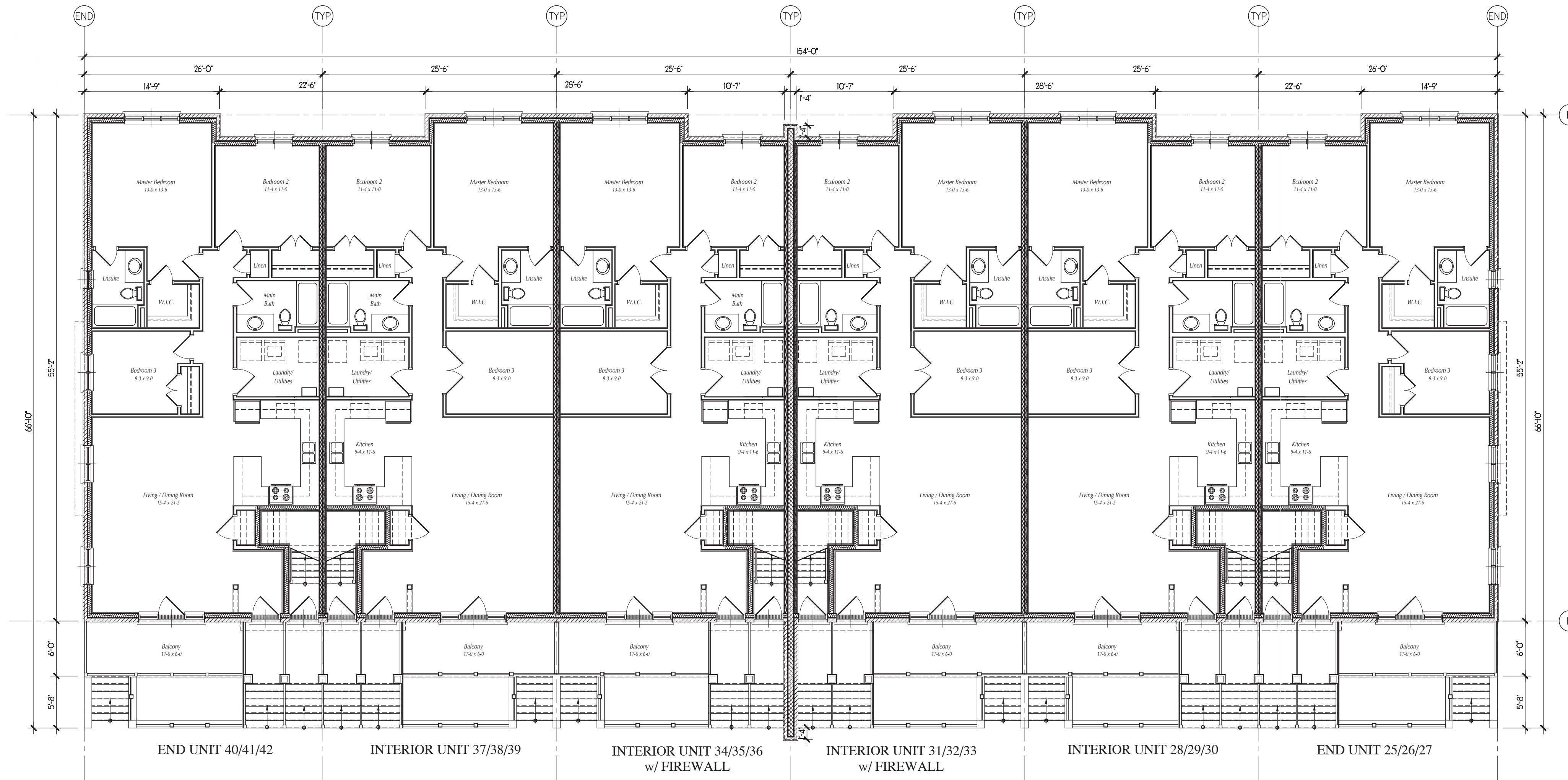
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DWN BY: S.S.	DATE: APRIL 2020

PROJECT: STACKED TOWHOUSE DEVELOPMENT  
307 FANSHAW PARK ROAD, EAST, LONDON  
TITLE: BLOCK 'A' OVERALL PLANS





LEVEL 1 FLOOR PLAN



LEVEL 2 FLOOR PLAN

FILE: FOLDER: BLOCK-J

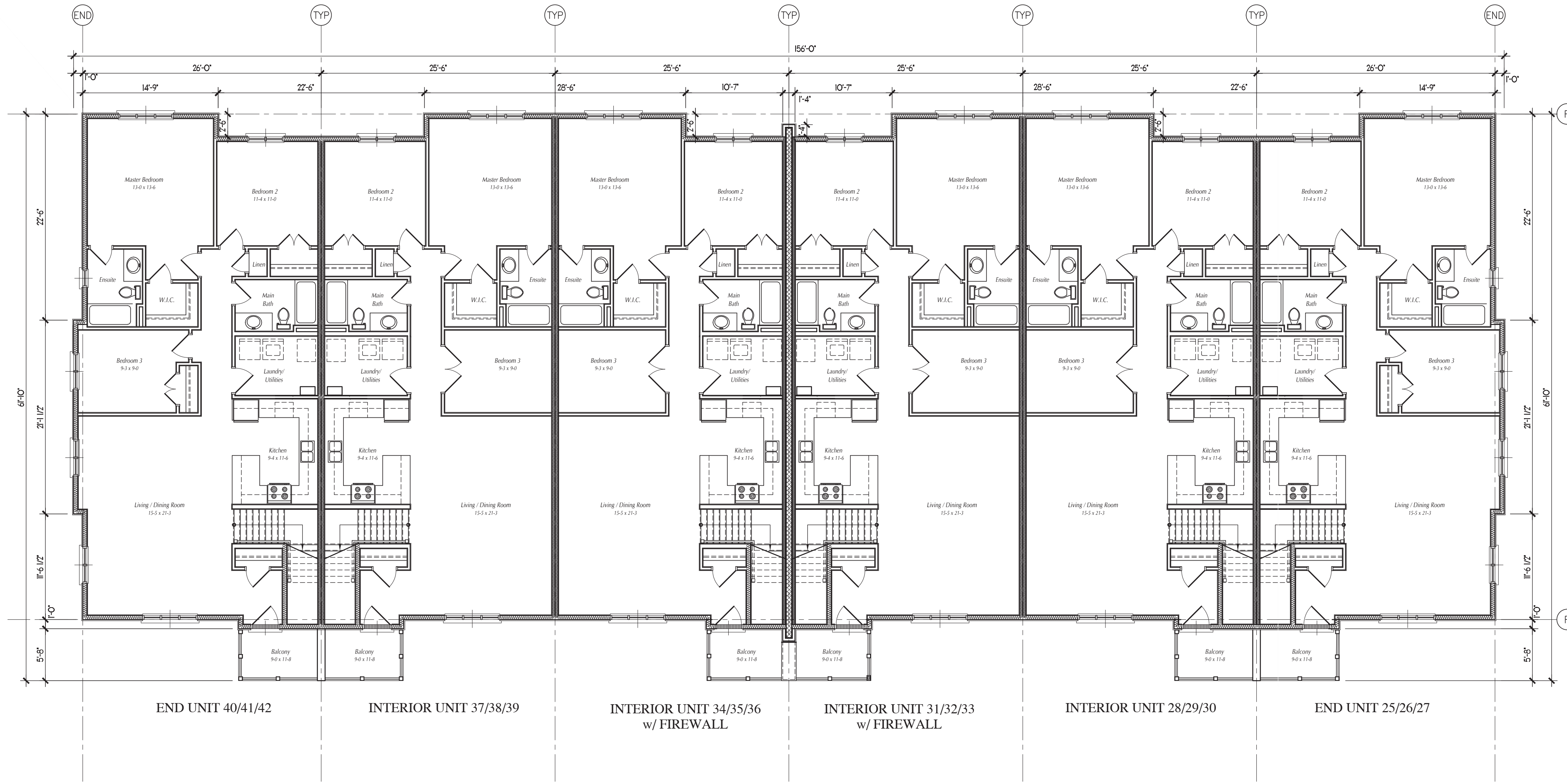


STATUS	DATE	NO.	REVISION

STATUS: SITE PLAN APPROVAL	DATE: APRIL 2020	NO.:	REVISION:
PLOTTED:	DATE:	NO.:	REVISION:

PROJECT: **STACKED TOWHOUSE DEVELOPMENT**  
 307 FANSHAW PARK ROAD, EAST, LONDON  
 TITLE: **BLOCK 'B' OVERALL FLOOR PLANS**

SHEET No. **A2.05**



PROJECT	STACKED TOWNHOUSE DEVELOPMENT
LOCATION	307 FANSHAW PARK ROAD, EAST, LONDON
TITLE	BLOCK 'B' LEVEL 3 FLOOR PLAN
STATUS	SITE PLAN APPROVAL
PLOTTED	
SCALE	1/8" = 1'-0"
DWN BY	E.S.
DATE	APRIL 2020
NO.	REVISION
DATE	



**From:** Dave Hannam - Zelinka Priamo Ltd.

**Sent:** Tuesday, June 30, 2020 3:56 PM

**To:** ppmclerks <[ppmclerks@london.ca](mailto:ppmclerks@london.ca)>

**Subject:** [EXTERNAL] REGISTER: Pre-register to speak - public site plan meeting and request for minor variance - 307 Fanshawe Park Road East

Hello, as the applicants planning consultant, we wish to speak on two (2) matters during the PEC meeting scheduled for July 15, 2020. There are two separate items related to this property on this meeting agenda i.e. the site plan public meeting (notice attached), and our request to council to submit a minor variance (I believe this will be a consent item). **Can you please confirm our requests by return email.**

Also, can you please promptly confirm if any other parties register to speak on our items, and if so, we would appreciate it if we were given the opportunity to speak after any other delegations.

Thanks and regards

---

Dave Hannam



## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee  
**From:** Gregg Barrett  
Director, City Planning and City Planner  
**Subject:** London Plan Housekeeping Amendment  
**Public Participation Meeting on:** July 15, 2020

### Recommendation

That, on the recommendation of the Director, City Planning and City Planner, the following actions be taken with respect to the proposed amendment to The London Plan to correct errors and omissions and to add Council-approved, in-force amendments to the 1989 Official Plan to The London Plan:

- (a) The proposed by-law, attached hereto as Appendix “A” **BE INTRODUCED** at the Municipal Council meeting on July 21, 2020 to amend various policies of The London Plan to correct errors and omissions and to add Council-approved amendments to the 1989 Official Plan to The London Plan.

### Executive Summary

#### Summary of Request

The requested amendment to The London Plan is of a housekeeping nature. The amendment is to correct errors and omissions in the Plan and make updates to reflect council approved amendments to the 1989 Official Plan since The London Plan’s approval.

#### Purpose and the Effect of Recommended Action

The purpose and effect of the amendment is to improve clarity and consistency in policies and mapping throughout The London Plan. It will further recognize planning decisions that have been made since the approval of The London Plan but have not been implemented in the Plan due to the status of appeals, which did not allow City Council the ability to make amendments to appealed portions of the Plan.

### Analysis

#### 1.0 Background

The London Plan was adopted by City Council on June 23, 2016 and approved by the Province on December 28, 2016. After its approval The London Plan was appealed by multiple parties, which has limited the applicability of portions of the Plan. As a result, staff recommendations on planning applications have considered both the 1989 Official Plan and The London Plan. Where policies of The London Plan were subject to appeal City Council has not been able to approve amendments to the Plan and such applications, if approved, were done so by amendment to the 1989 Official Plan.

A number of these official plan amendments (OPAs) to the 1989 Official Plan that were approved by Council may now be incorporated into The London Plan as more London Plan policies have come into effect.

In addition to the OPAs, several errors and omissions in the Plan have been identified and should be corrected through the housekeeping amendment.

## **2.0 Details of the amendment**

Two categories of modifications are proposed in this amendment, both of which are necessary to ensure that The London Plan stays up to date and any issues raised with the Plan since its approval are addressed. The categories include minor errors and omissions, and modifications to be consistent with approved amendments to the 1989 Official Plan since the approval of The London Plan by Council.

### **2.1 Minor errors and omissions**

The errors and omissions include typographical, grammatical, and formatting errors, as well as inconsistencies in spacing and punctuation. Minor changes are necessary to refine wording and formatting in policies and mapping, as indicated in Appendix “B”.

### **2.2 Approved official plan amendments**

The OPAs, approved up to December 16, 2019, have been reviewed to be incorporated into The London Plan. The OPAs represent modifications to certain policies and maps, except for those that are currently subject to appeal, including Map 1 – Place Types; Map 5 – Natural Heritage; Map 6 – Hazards and Natural Resources; and Map 7 – Specific Policy Areas. Refinement to those policies and maps will be addressed through a future amendment once they come in force and effect. The OPAs primarily require new policies for specific areas in certain Place Types with related changes to Map 7.

In some cases three readings of a by-law to enact a London Plan amendment were withheld until the related London Plan policies and maps come into force. Since the majority of The London Plan is now in force and effect, most of these amendments are included in this housekeeping amendment in order to align The London Plan with Council’s recent decisions made to the 1989 Official Plan through these OPAs.

In addition, several site-specific policies to The London Plan are necessary given no by-laws for amendments to The London Plan were proposed through other OPAs.

The following are the OPAs, whose descriptions and rationales can be found in Appendix “C”:

- a) OPA No. 642 (240 Waterloo Street and 358 Horton Street East)
- b) OPA No. 646 (Beaufort/Irwin/Gunn/Saunby (BIGS) Neighbourhood Secondary Plan)
- c) OPA No. 647 (21 Wharnccliffe Road South)
- d) OPA No. 650 (1577 and 1687 Wilton Grove Road)
- e) OPA No. 651 (1448 Adelaide Street North)
- f) OPA No. 653 (Outdoor patio regulations for Light Industrial Place Type)
- g) OPA No. 658 (633, 635, 637, 645, 649, 651 and 655 Base Line Road East)
- h) OPAs No. 663 and No. 664 (100, 335 and 353 Kellogg Lane, 1063, 1080, 1097 and 1127 Dundas Street, 1151 York Street)
- i) OPA No. 666 (379 Sunningdale Road West)
- j) OPA No. 669 (Brydges Street Area)
- k) OPA No. 671 (2150 Oxford Street East)
- l) OPA No. 672 (1176, 1200 and 1230 Hyde Park Road)
- m) OPA No. 674 (Hamilton Road CIP Area)
- n) OPA No. 675 (Archaeological Management Plan)

- o) OPA No. 677 (Temporary zoning for surface parking in Downtown)
- p) OPA No. 681 (335-385, 340-390 Saskatoon Street)
- q) OPA No. 683 (Expansion of Downtown CIP Area)
- r) OPA No. 691 (470 Colborne Street)
- s) OPA No. 703 (Lambeth CIP Area)
- t) OPA No. 708 (585 Third Street)
- u) OPA No. 712 (676-700 Beaverbrook Avenue and 356 Oxford Street West)

### **3.0 Public Engagement (Appendix D)**

In addition to the normal public notice procedures for a policy amendment, notice of the draft changes to The London Plan were circulated to applicants and agents for the approved amendments reflected by this amendment. Comments were received primarily from these applicants or agents, who were in general seeking to ensure that the intent of their 1989 Official Plan amendment would be captured in The London Plan. All concerns identified through the public circulation of the application have been resolved through discussions with the applicants.

### **4.0 Conclusion**

The recommended housekeeping amendment is to refine wording, formatting and mapping throughout the Plan, thereby providing greater clarity and consistency. This amendment will improve clarity of London Plan policies and supports implementation of the Plan towards achieving overall vision for London described in The London Plan.

A future housekeeping amendment will also be required to address policies and maps that are currently subject to appeal.

<b>Prepared by:</b>	<b>Joanne Lee Planner I, Planning Policy</b>
<b>Submitted by:</b>	<b>Justin Adema, MCIP, RPP Manager, Planning Policy</b>
<b>Recommended by:</b>	<b>Gregg Barrett, AICP Director, City Planning and City Planner</b>
<p>Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning Services</p>	

July 3, 2020  
JL/jl

Y:\Shared\policy\2011 Official Plan Review\Housekeeping Amendment

## Appendix A

Bill No. (number to be inserted by Clerk's Office)  
2020

By-law No. C.P.-XXXX-\_\_\_\_

A by-law for a housekeeping amendment  
to The London Plan for the City of  
London, 2016.

The Municipal Council of The Corporation of the City of London enacts as follows:

1. Amendment No. (to be inserted by Clerk's Office) to The London Plan for the City of London Planning Area – 2016, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This Amendment shall come into effect in accordance with subsection 17(38) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on July 21, 2020.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – July 21, 2020  
Second Reading – July 21, 2020  
Third Reading – July 21, 2020

**AMENDMENT NO.  
to the  
THE LONDON PLAN FOR THE CITY OF LONDON**

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is:

1. To correct errors and omissions identified throughout The London Plan, including typographical, grammatical, and formatting errors.
2. To incorporate official plan amendments to the 1989 Official Plan that have been approved since The London Plan's approval.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to all lands within the City of London.

C. BASIS OF THE AMENDMENT

This housekeeping amendment will refine wording, formatting, and mapping in The London Plan and will be read and implemented in conjunction with the coverall policies in the Plan.

D. THE AMENDMENT

The London Plan for the City of London is hereby amended as follows:

*The London Plan* is hereby amended as follows:

1. Policy 26 – Our Challenge of The London Plan for the City of London is amended by deleting the word “for” and replacing it with the word “to” as follows:

26\_ While changes may be made to the Plan, any such changes shall be consistent with the policy framework that has been established to evaluate such proposals for change, the Provincial Policy Statement and provincial legislation. It is important to recognize that the Plan may be modified over time, but it is equally as important to ensure that such change does not undermine the purpose and intent of the policy framework ~~for~~ of this Plan.

2. Policy 64 – Our City of The London Plan for the City of London is amended by deleting the word “forecasted” and replacing it with the word “forecast” as follows:

64\_ Our city is ~~forecasted~~ forecast to grow by more than 77,000 people and 41,000 housing units over the life of this Plan. In addition, our commercial uses, offices, institutions, and industries will all grow over the next 20 years. Our economy will expand and the number of people employed in our city will increase significantly.

3. Policy 410 – Parks and Recreation of The London Plan for the City of London is amended by adding the word “an” in existing Policy 410\_9.

9. Where a school site is declared surplus by a school board the City may undertake an analysis to determine neighbourhood need and explore opportunities for acquiring the site for park and/or community facility purposes if required.

4. Policy 427 – City Building Policies of The London Plan for the City of London is amended by deleting it in its entirety and replacing it with the words “Policy Deleted”.

~~427\_ All plans, planning and development applications, civic investments and by-laws shall conform with the following policies: Policy Deleted~~

5. Policy 448 – City Building Policies of The London Plan for the City of London is

amended by adding periods at the end of each listed item, as follows:

448\_ Infrastructure is made up of the below-ground and above-ground systems that provide important drinking water, waste disposal, drainage, and electrical services to Londoners. This infrastructure includes:

1. Sanitary sewerage – sewers, pumping stations, and wastewater treatment plants\_
2. Stormwater sewerage – drainage systems, flood control systems, sewers, and stormwater management facilities\_
3. Drinking water treatment and distribution\_
4. Electrical services and other utilities\_
5. Landfill sites and other solid waste treatment facilities\_

6. Policy 762 – Green Space Place Type of The London Plan for the City of London is amended by deleting the word “will” and replacing it with the word “may” as follows:

762\_ The following uses ~~will~~ may be permitted within the Green Space Place Type:

7. Policy 810 – Transit Village Place Type of The London Plan for the City of London is amended by deleting the word “commercial” in existing Policy 810\_7.

7. Plan for retail and service ~~commercial~~ uses, plaza spaces and attractive outdoor seating areas, accessible to the public, located adjacent to transit stations.

8. Policy 853 – Specific-Segment Policies for Rapid Transit and Urban Corridor Place Types of The London Plan for the City of London is amended by deleting the reference to “Veterans Memorial Parkway” and replacing it with the reference to “Crumlin Sideroad” in existing Policy 853\_1.

1. Dundas Street - from First Street to ~~Veterans Memorial Parkway~~ Crumlin Sideroad

9. Specific Policies for the Rapid Transit and Urban Corridor Place Types of The London Plan for the City of London are amended by adding new Policy 864D as follows:

676-700 BEAVERBROOK AVENUE AND 356 OXFORD STREET WEST

864D\_ In the Rapid Transit Corridor Place Type located at 676-700 Beaverbrook Avenue and 356 Oxford Street West, a maximum height of 18 storeys (62 metres) will be permitted only in combination with the approved regulations and elevations tied to the approved bonus zone.

10. Specific Policies for the Rapid Transit and Urban Corridor Place Types of The London Plan for the City of London are amended by adding new Policy 864E as follows:

100 KELLOGG LANE AND 1063, 1080, 1097 AND 1127 DUNDAS STREET

864E\_ In the Rapid Transit Corridor Place Type located at 100 Kellogg Lane and 1097 and 1127 Dundas Street, self-storage establishments may also be permitted in the basement of the existing buildings. Office uses may be permitted at 100 Kellogg Lane up to a total maximum gross floor area of 8,361m<sup>2</sup> (within the existing building) in combination with the Light Industrial Place Type portion of the site to the south. Accessory parking in favour of the uses located at 100 Kellogg Lane may be permitted at 1063, 1080, 1097 and 1127 Dundas Street.

11. Specific Policies for the Urban Corridor Place Type of The London Plan for the City of London are amended by adding new Policy 865B:

240 WATERLOO STREET AND 358 HORTON STREET EAST

865B\_ In the Urban Corridor Place Type at 240 Waterloo Street and 358 Horton Street East, office uses may be permitted up to a maximum gross floor area of 3,000m<sup>2</sup> (32,291 sq. ft.).

12. Policy 877 – Shopping Area Place Type of The London Plan for the City of London is amended by deleting the word “will” and replacing it with the word “may”.

877\_ The following uses ~~will~~ may be permitted within the Shopping Area Place Type:

13. Policy 908 – Main Street Place Type of The London Plan for the City of London is amended by amending existing Policy 908\_1 as follows:

1. A broad range of residential, retail, service, ~~and office, and institutional~~ uses may be permitted within the Main Street Place Type.

14. Policy 1023 – Neighbourhoods Place Type of The London Plan for the City of London is amended by deleting it in its entirety and replacing it with the following:

~~1023\_ Office conversions will be permitted within the area along Richmond Street, between Grosvenor Street and Oxford Street East, and along Oxford Street East, between the Thames River and Adelaide Street North. Notwithstanding the provisions of the applicable underlying place type policies, office conversions will not be permitted in any other area of the neighbourhood. Office conversions will be permitted within the St. George/Grosvenor Neighbourhood.~~

15. Specific Policy 1034 for the Neighbourhoods Place Type of The London Plan for the City of London is amended by adding the following:

7. 470 Colborne Street.

16. The Woodfield Neighbourhood Specific Policies of The London Plan for the City of London are amended by adding new Policy 1038A immediately after Policy 1038 and renumbering existing Policy 1038A to Policy 1038C immediately after new policy 1038B (17) as follows:

1038A In addition to the uses permitted in the Neighbourhoods Place Type, new office uses may be permitted within the existing building at 470 Colborne Street, provided there is little alteration to the external residential character of the original residential structure and at least one above-grade residential dwelling unit is provided and maintained within the building. These new office uses may be established with other permitted uses in a mixed-use format. Residential intensification and conversions to non-residential uses shall be permitted only where it is compatible with the character, scale and intensity of the surrounding low-rise residential neighbourhood and where the intent of the Near-Campus Neighbourhoods policies is met. Site-specific zoning regulations such as, but not limited to, maximum number of converted dwelling units, maximum number of parking spaces, minimum landscaped open space and limiting the range and mix of uses within the building such that they do not exceed the available parking may be applied to ensure that the future re-use of the existing structure meets this objective.

175-199 ANN STREET AND 84-86 ST. GEORGE STREET

1038A-C In the Neighbourhoods Place Type at 175-199 Ann Street and 84-86 St. George Street, the lands located within the High Density Residential Overlay (from 1989 Official Plan) are appropriate for a greater intensity of development. Heights in excess of 12 storeys may be permitted on these lands through a bonus zone, where the Evaluation Criteria for Planning and Development Applications and the Bonus Zoning policies of this Plan can be met. Development along the St. George Street frontage will include a significant step back to provide a low-rise character that is consistent with the streetscape.



17. Specific Policies for the Neighbourhoods Place Type of The London Plan for the City of London are amended by adding new Policy 1038B immediately before Policy 1038C (16) as follows:

1448 ADELAIDE STREET NORTH

1038B\_ In the Neighbourhoods Place Type at 1448 Adelaide Street North, in addition to the uses permitted in the Neighbourhoods Place Type, a personal service establishment may also be permitted within the existing building.

18. Specific Policies for the Neighbourhoods Place Type of The London Plan for the City of London are amended by adding new Policy 1039A as follows:

633, 635, 637, 645, 649, 651 AND 655 BASE LINE ROAD EAST

1039A\_ In the Neighbourhoods Place Type at 633, 635, 637, 645, 649, 651 and 655 Base Line Road East, the proposed continuum of care facility may have a building height of 8 storeys (38.5m) as implemented through a bonus zone.

19. Specific Policies for the Neighbourhoods Place Type of The London Plan for the City of London is amended by adding Policy 1041A, as following:

3725 BOSTWICK ROAD

1041A\_ In the Neighbourhoods Place Type at the north-easterly quadrant of the lands at 3725 Bostwick Road, a church use on a lot comprising approximately 12 hectares, and on a private septic system may also be permitted until such time as municipal sanitary and storm water services are available to the subject property, at which time the church use will be required to connect to municipal services.

20. Policy 1045 – Neighbourhoods Place Type of The London Plan for the City of London is amended by deleting it in its entirety and replacing it with the following:

~~3924 COLONEL TALBOT ROAD~~

~~1045\_ In the Neighbourhoods Place Type at the north-easterly quadrant of the lands described as 3924 Colonel Talbot Road Pt. Lt. 73, a church use on a lot comprising approximately 12 hectares, and on a private septic system may also be permitted until such time as municipal sanitary and storm water services are available to the subject property, at which time the church use will be required to connect to municipal services. Policy Deleted~~

21. Policy 1061 – Neighbourhoods Place Type of The London Plan for the City of London is amended by adding a period at the end of the policy.

1061\_ In the Neighbourhoods Place Type applied to the lands located at 1192 Highbury Avenue and 3 Mark Street, retail and services uses may be permitted\_.

22. Specific Policies for the Neighbourhoods Place Types of The London Plan for the City of London are amended by adding new Policy 1062A as follows:

1176, 1200 AND 1230 HYDE PARK ROAD

1062A\_ In the Neighbourhoods Place Type located greater than 100 metres from the widened Hyde Park Road right-of-way and east of the westerly limit of the new public street and south of the southerly limit of the new public street, staked townhouses, triplexes, fourplexes and low-rise apartments will be permitted fronting onto a Neighbourhood Street up to 4-storeys in height.

In the Neighbourhoods Place Type located west of the westerly limit of the new public street and north of the northerly limit of the new public street, stacked townhouses, triplexes, fourplexes, and low-rise apartments will be permitted

fronting onto a Neighbourhood Street up to 3-storeys in height.

Development shall not be permitted in the Neighbourhoods Place Type unless through a zoning by-law amendment and/or plan of subdivision:

1. An environmental impact study, geotechnical report, and hydrogeological assessment have demonstrated that the permitted land uses and form of development will not have a negative impact on adjacent natural hazards and natural heritage features and their functions to the satisfaction of the City of London and the UTRCA.
2. A noise and vibration study has demonstrated that railway corridors will not have an adverse impact on new sensitive land uses, or mitigative measures provided, to the satisfaction of the City of London.
3. A compatibility study has demonstrated that Ministry of the Environment and Climate Change D-6 Guidelines: Compatibility Between Industrial Facilities and Sensitive Land Uses can be met, or mitigative measures provided, to the satisfaction of the City of London.
4. A new public street is created west of Hyde Park Road.

23. Specific Policies for the Neighbourhoods Place Types of The London Plan for the City of London are amended by adding new Policy 1063A as follows:

**335 AND 353 KELLOGG LANE**

1063A\_ In the Neighbourhoods Place Type located at 335 and 353 Kellogg Lane, accessory parking in favour of the uses at 100 Kellogg Lane will be permitted.

24. Specific Policies for the Neighbourhoods Place Type of The London Plan for the City of London are amended by adding new Policy 1070A as follows:

**335-385 SASKATOON STREET**

1070A\_ In the Neighbourhoods Place Type at 335-385 Saskatoon Street, automobile repair garages, charitable organization offices, and support offices may be permitted in the existing buildings.

25. Specific Policies for the Neighbourhoods Place Type of The London Plan for the City of London are amended by adding new Policy 1070B as follows:

**340-390 SASKATOON STREET**

1070B\_ In the Neighbourhoods Place Type at 340-390 Saskatoon Street, support offices, studios, and warehouse establishments may be permitted in the existing buildings.

26. Specific Policy 1072 for the Neighbourhoods Place Type of The London Plan for the City of London is amended by amending existing Policy 1072\_1 as follows:

1. High density residential development may be permitted in this area that can accommodate increased height and densities which provide a transition from the residential uses to the Thames Valley Corridor. ~~While providing for e~~Enhanced recreational uses and ~~providing~~ areas for community activities along the Thames Valley Corridor will be provided through the application of Urban Design principles approved for the SoHo Community Improvement Plan and as provided for in the City Design chapter and the Our Tools part of this Plan.

27. Specific Policies for the Neighbourhoods Place Type of The London Plan for the City of London are amended by adding new Policy 1073A as follows:

**379 SUNNINGDALE ROAD WEST**

1073A\_ The following policies apply to the lands at 379 Sunningdale Road West, Blocks 1-6 which form part of the Sunningdale Subdivision (39T-16504).

1. Blocks 1, 2 and 6 may be permitted to develop at a maximum density of 35 units per hectare.
2. Blocks 3 and 4 may be permitted to develop at a maximum density of 150 units per hectare and a maximum height of 10 storeys.
3. Street-oriented development will be encouraged in order to provide a strong street edge and to eliminate the need for continuous noise walls in this area.
4. A graduated “step down” of building height will be encouraged between any proposed buildings on Block 3 that implement the maximum height provision of policy 2 above and the interface of Sunningdale Road.
5. Surface parking will be discouraged along the Sunningdale Road street frontages in order to establish a strong building/street interface in this area. Should surface parking be considered necessary, the parking area must be appropriately screened from the street.
6. Holding provisions will be applied to all zones in this area to guide site layout and building form.

28. Specific Policies for the Neighbourhoods Place Type of The London Plan for the City of London are amended by adding new Policy 1073B as follows:

#### 585 THIRD STREET

1073B\_ In the Neighbourhoods Place Type at 585 Third Street, in addition to the uses permitted in the Neighbourhoods Place Type, a building or contracting establishment, service trade, and support office may be permitted as well as a warehouse in association with a permitted use with no outdoor storage for the permitted uses.

29. Specific Policies for the Neighbourhoods Place Type of The London Plan for the City of London is amended by adding new Policy 1076A as follows:

#### 21 WHARNCLIFFE ROAD SOUTH

1076A\_ In the Neighbourhoods Place Type at 21 Wharncliffe Road South, the existing building may be entirely adaptively re-used for an office conversion up to a maximum gross floor area of 2,750m<sup>2</sup> (29,596 sq. ft.). New construction shall be compliant with the relevant policies.

30. Policy 1114 – Industrial Place Type of The London Plan for the City of London is amended by deleting the word “commercial” in existing Policy 1114\_10.f as follows:

10.f. To provide convenient services to those who work in the Heavy Industrial Place Type, small-scale retail and service ~~commercial~~ uses that will not detract from the industrial operations of the surrounding lands may be permitted, up to 1,000m<sup>2</sup>.

31. Policy 1115 – Industrial Place Type of The London Plan for the City of London is amended by amending existing Policy 1115\_10.c; adding new Policy 1115.12; and renumbering existing Policy 1115\_12 to Policy 1115\_13 as follows:

10.c. To provide convenient services to those who work in the Light Industrial Place Type, small-scale retail and service ~~commercial~~ uses that will not detract from the industrial operations of the surrounding lands may be permitted, up to 1,000m<sup>2</sup>. Uses within these categories that generate high automobile traffic will not be permitted.

12. Outdoor patios in association with craft brewery and artisan workshop establishments may be permitted subject to a minor variance, provided they meet the following criteria:

- a. A craft brewery or artisan workshop establishment is permitted through zoning.
- b. The location and operation of the proposed outdoor patio will not impose inappropriate impacts on the industrial operations or residential uses in the surrounding area. Where necessary, conditions of the minor variance will be required to mitigate impacts.
- c. The outdoor patio capacity, location with respect to residential uses, outdoor lighting, loading, and parking criteria outlined in Section 4.18 of the *Zoning By-law* are addressed.
- d. Site-specific issues relating to the context and site layout of the outdoor patio are addressed.

4213. The full range of uses described above will not necessarily be permitted on all sites within the Light Industrial Place Type.

32. Policy 1116 – Industrial Place Type of The London Plan for the City of London is amended by deleting the word “commercial” in existing Policy 1116\_3 as follows:

3. Small amounts of retail and service ~~commercial~~ development may be permitted to serve the employees of these parks, provided these uses do not generate high automobile traffic.

33. Specific Policies for the Light Industrial Place Type of The London Plan for the City of London are amended by adding new Policy 1132A.

100 KELLOGG LANE AND 1151 YORK STREET

1132A\_ In the Light Industrial Place Type located at 100 Kellogg Lane, self-storage establishments and offices (within the existing building) will also be permitted. Office uses within the existing building may be permitted up to a total maximum gross floor area of 8,361m<sup>2</sup> in combination with the Rapid Transit Corridor Place Type portion of the site to the north. Accessory parking in favour of the uses at 100 Kellogg Lane may be permitted at 1151 York Street.

34. Specific Policies for the Light Industrial Place Type of The London Plan for the City of London are amended by adding new Policy 1132B as follows:

2150 OXFORD STREET EAST

1132B\_ In the Light Industrial Place Type at 2150 Oxford Street East, in addition to the uses permitted in the Light Industrial Place Type, offices will be permitted in Phase 2 of the development up to a maximum gross floor area of 2,200m<sup>2</sup> (23,680.6 sq. ft.).

35. Specific Policies for the Light Industrial Place Type of The London Plan for the City of London is amended by adding new Policy 1134A as follows:

1577 AND 1687 WILTON GROVE ROAD

1134A\_ In the Light Industrial Place Type at 1577 and 1687 Wilton Grove Road, in addition to the uses permitted in the Light Industrial Place Type, food, tobacco, and beverage processing industries may also be permitted.

36. Policy 1137 – Industrial Place Type of The London Plan for the City of London is replacing the single reference to “contractor’s shops” with the plural reference to “contractors’ shops”.

1137\_ [...] These may include such uses as warehousing, research and communication facilities; laboratories; printing and publishing establishments; warehouse and wholesale outlets; technical, professional and business services such as architectural, engineering, survey or business machine companies; commercial recreation establishments; private clubs; private parks; restaurants; hotels and motels; service trades; and ~~contractor's shops~~ contractors' shops that do not involve open storage.

37. Specific Policies for the Light Industrial Place Type of The London Plan for the City of London are amended by adding new Policy 1140A as follows:

> BRYDGES STREET AREA

1140A\_ Within the Brydges Street Area, as shown on Map 7, a limited amount of commercial uses may be permitted, through a site-specific zoning by-law amendment provided the following conditions can be met:

1. The commercial use is located within an existing building.
2. Additions to or enlargement of the building to accommodate commercial uses will be discouraged. Substantial additions or alterations to existing buildings to accommodate commercial uses will not be permitted.
3. The commercial use does not fit well within the Downtown, Transit Village, Rapid Transit Corridor, Urban Corridor, Shopping Area or Main Street Place Type due to its planning impacts.
4. The commercial use may generate noise, vibration or emission impacts.
5. The commercial use may generate large volumes of truck traffic.
6. The commercial use may require large storage and/or display space.
7. Minor variances to accommodate additional parking or minor variances that could have an impact on the industrial operations in the area will be discouraged.
8. The commercial use would not prevent the future re-use of the building for industrial uses.
9. The commercial use does not generate significant additional traffic that will interfere with the industrial uses or operations in the area.
10. The commercial use does not constitute a sensitive land use which would have an impact on, or would impair or interfere with the existing or planned industrial use of the area.

38. Farmland Place Type of The London Plan for the City of London is amended by amending existing Policies 1206 and 1206\_4 as follows:

1206\_ Green Space uses may include public or private outdoor recreational activities, golf courses and conservation areas, as well as associated ancillary facilities, consistent with the *Provincial Policy Statement* and in conformity with the Green Space Place Type policies of this Plan, as well as the following: [...]

4. Green space and conservation uses shall only be permitted through an amendment to this Plan.

39. Natural and Human-made Hazards of The London Plan for the City of London is amended by amending existing Policy 1451 as follows:

1451\_ Detailed flood line mapping studies have been completed for most of the tributaries in the Upper Thames and Kettle Creek watersheds. Due to limited

development pressure in ~~these areas~~ the Lower Thames Valley Conservation Authority area of jurisdiction within the City of London, studies have not been completed. ~~For the Kettle Creek and Lower Thames Valley Conservation Authority areas of jurisdiction within the City of London.~~ The approximate boundaries of the flood plain, which contain those lands below the Regulatory Flood Standard, are identified on Map 6.

40. Policy 1452 – Natural and Human-made Hazards of The London Plan for the City of London is amended by deleting the words “Kettle/Dodd Creek or” and the letter “s” at the end of the word “subwatersheds” in existing Policy 1452\_3 as follows:

3. Flood plain mapping has not been prepared for the ~~Kettle/Dodd Creek or Sharon Creek~~ subwatersheds. Any proposal for development within, or partly within, regulated areas in the ~~Kettle/Dodd Creek or Sharon Creek~~ subwatersheds, as identified on Map 6, will be required to fulfill the requirements of the conservation authority having jurisdiction and applicants may be required to undertake studies necessary to delineate flood prone lands.

41. Policy 1565 – Secondary Plans of The London Plan for the City of London is amended by adding a new secondary plan as follows:

6. Beaufort/Irwin/Gunn/Saunby (BIGS) Neighbourhood Secondary Plan

42. Policy 1587 – Our Tools of The London Plan for the City of London is amended by deleting the words “that will” and adding the word “to” as follows:

1587\_ A Planning and Design Report shall be required ~~that will~~ to address the Evaluation Criteria for Planning and Development Application policies in the Our Tools part of this Plan. Such reports will clearly articulate and address matters relating to the use, intensity and form of the proposal.

43. Policy 1611 – Our Tools of The London Plan for the City of London is amended by replacing the reference to “Municipal Staff” with the reference to “City Staff”.

1611\_ City Council may, by by-law, require a Pre-application Consultation Meeting. The purpose of the Consultation Meeting is to allow the applicant to discuss with ~~Municipal Staff~~ City Staff matters pertaining to the application. Through these discussions, ~~Municipal Staff~~ City Staff will have the opportunity, in consultation with the applicant, to outline the information and materials that the applicant will be required to submit concurrently with the application. [...]

44. Policy 1614A – Our Tools of The London Plan for the City of London is amended by adding the following:

#### STRATEGY FOR CONSULTING WITH THE PUBLIC

1614A\_ For any application for an official plan amendment or zoning by-law amendment, a proposed strategy for consulting with the public with respect to the application may be required as part of a complete application.

45. Our Tools of The London Plan for The City of London is amended by adding new Policy 1673A as follows:

1673A\_ For lands within the Downtown Place Type, the following criteria will be used to evaluate both applications for temporary zoning to permit surface commercial parking lots and applications for extensions to temporary zoning to permit surface commercial parking lots, in the Downtown:

1. The demonstrated need for surface parking in the area surrounding the subject site. Utilization rates for sub-areas of the Downtown may be used to evaluate this need.

2. The importance of any pedestrian streetscapes that are impacted by the surface commercial parking lot and the degree to which these streetscapes are impacted.
3. The size of the parking lot, recognizing a goal of avoiding the underutilization of Downtown lands.
4. The length of time that the surface commercial parking lot has been in place, recognizing it is not intended that temporary uses will be permitted on a long-term basis.
5. Applicable guideline documents may be used to provide further, more detailed, guidance in applying these policies.
6. Site plan approval will be required for all temporary surface commercial parking lots in the Downtown.
7. Where Council does not wish to extend the temporary zoning for a surface commercial parking lot a short-term extension of the temporary zone may be permitted for the purpose of allowing users of the lot to find alternative parking arrangements.

46. Policy 1721\_1 – Our Tools of The London Plan for the City of London is amended by deleting it in its entirety and replacing it with the reference to “Archaeological Management Plan” as follows:

1. ~~Archaeological Master Plan~~ Archaeological Management Plan

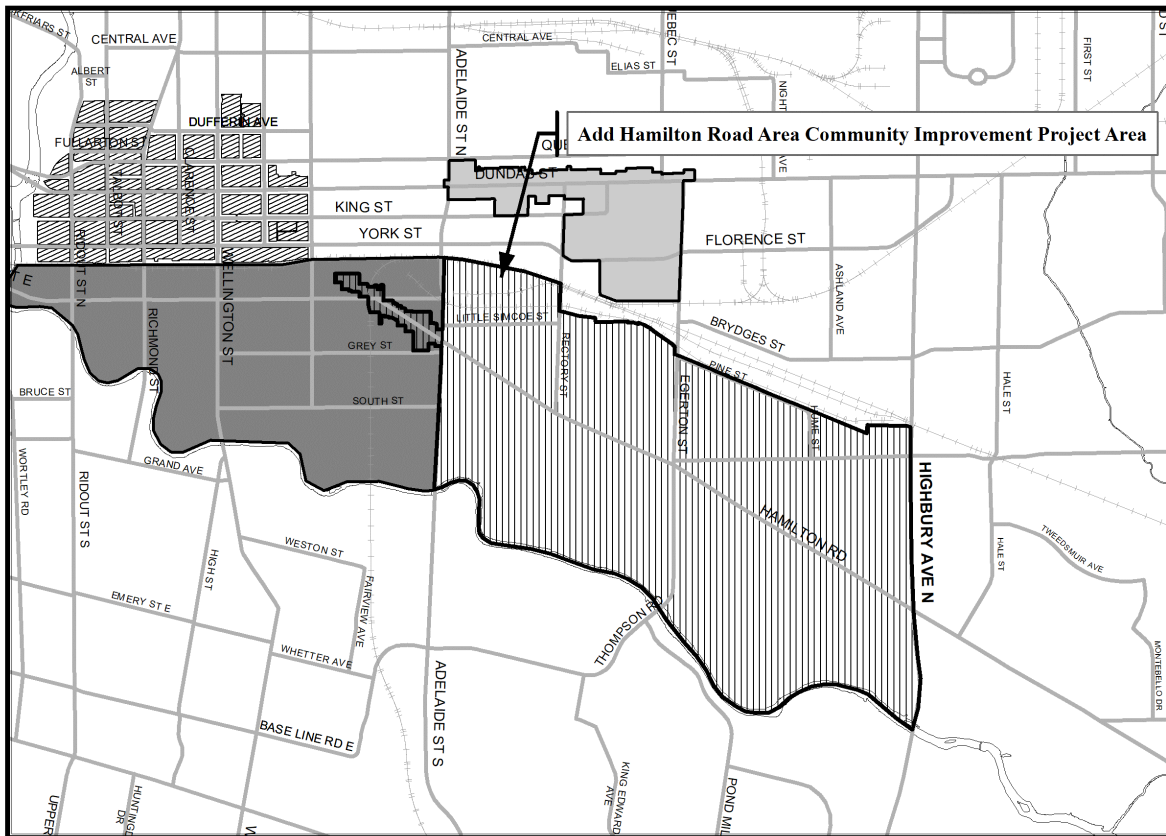
47. Map 8 – Community Improvement Project Areas, to The London Plan for the City of London Planning Area is amended, as indicated on “Schedule 1” attached hereto, by:

- 1) Adding the Hamilton Road Area Community Improvement Project Area;
- 2) Revising the existing boundary of the Downtown Community Improvement Project Area; and
- 3) Adding the Lambeth Community Improvement Project Area.

48. Figure 3 – of The London Plan for the City of London Planning Area is amended by adding a water layer feature, as indicated on “Schedule 2” attached hereto.

SCHEDULE 1

AMENDMENT NO. 674

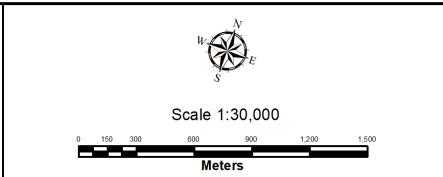


<p><b>LEGEND</b></p> <ul style="list-style-type: none"> <li> Airport Community Improvement Project Area</li> <li> Downtown Community Improvement Project Area</li> <li> Old East Village Community Improvement Project Area</li> <li> SoHo Community Improvement Project Area</li> <li> Hamilton Road Area Community Improvement Project Area</li> </ul> <p><i>NOTE: The Brownfields CIP, Heritage CIP, and Industrial CIP Project Areas include all lands within the municipal boundary</i></p> <p><i>This is an excerpt from the Planning Division's working consolidation of Map 8 - Community Improvement Project Areas of the London Plan, with added notations.</i></p>	<p><b>BASE MAP FEATURES</b></p> <ul style="list-style-type: none"> <li> Streets (See Map 3)</li> <li> Railways</li> <li> Urban Growth Boundary</li> <li> Water Courses/Ponds</li> </ul>
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**SCHEDULE 1  
TO  
THE LONDON PLAN**

**AMENDMENT NO. 674**

PREPARED BY: Planning Services



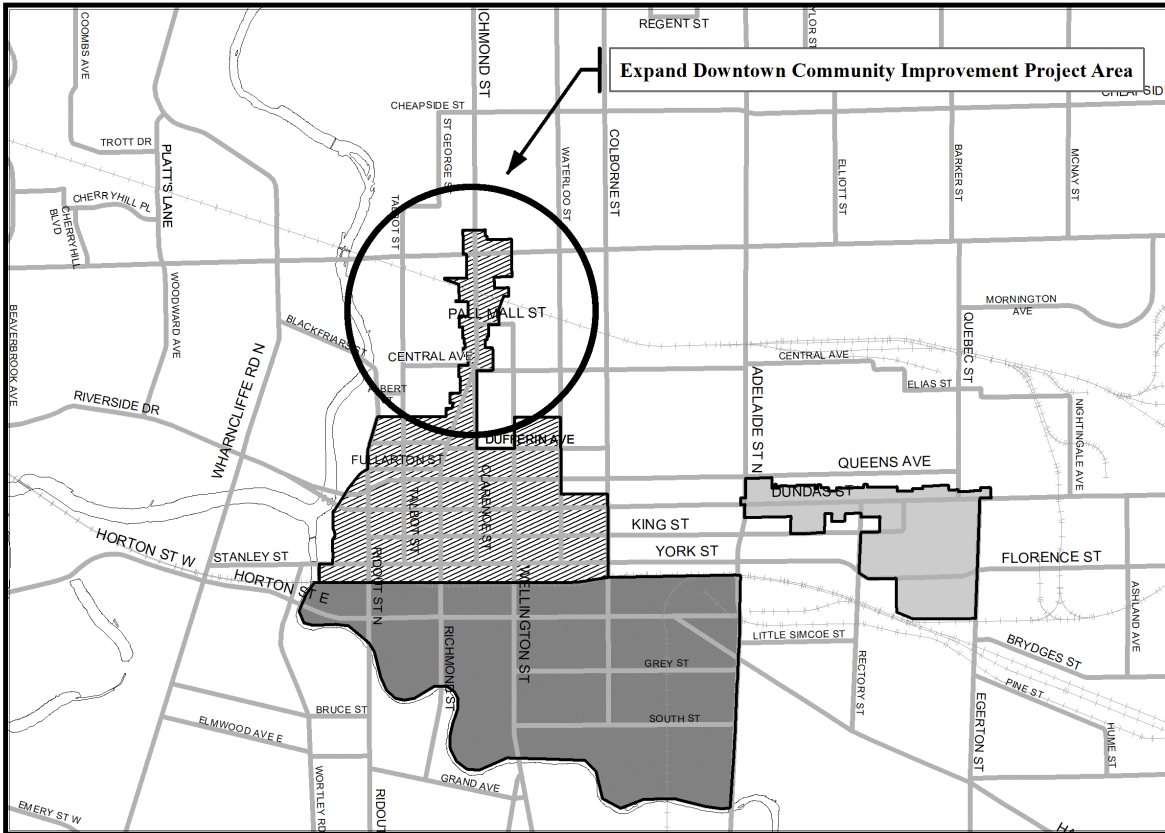
**FILE NUMBER:** O-8866

**PLANNER:** JL

**TECHNICIAN:** MB

**DATE:** 2/26/2020

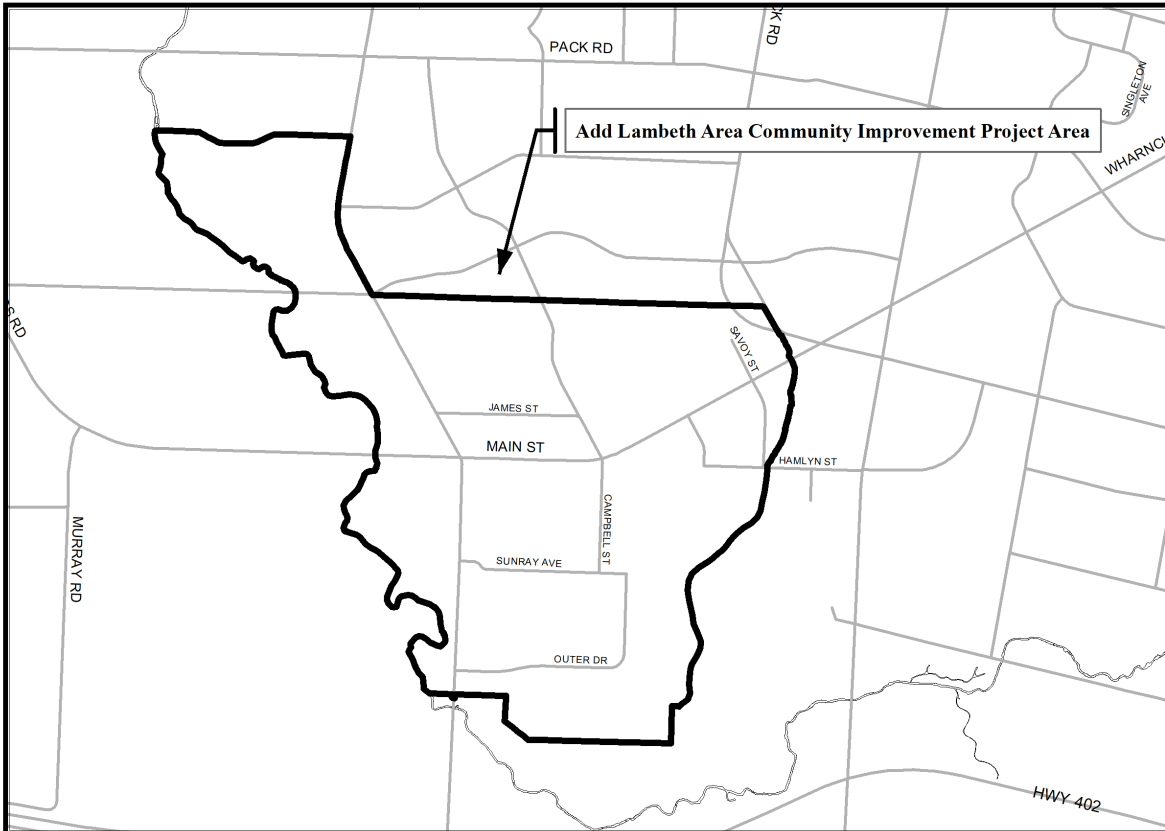




<p><b>LEGEND</b></p> <ul style="list-style-type: none"> <li> Airport Community Improvement Project Area</li> <li> Downtown Community Improvement Project Area</li> <li> Old East Village Community Improvement Project Area</li> <li> SoHo Community Improvement Project Area</li> </ul> <p><i>NOTE: The Brownfields CIP, Heritage CIP, and Industrial CIP Project Areas include all lands within the municipal boundary</i></p>	<p><b>BASE MAP FEATURES</b></p> <ul style="list-style-type: none"> <li> Streets (See Map 3)</li> <li> Railways</li> <li> Urban Growth Boundary</li> <li> Water Courses/Ponds</li> </ul>
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*This is an excerpt from the Planning Division's working consolidation of Map 8 - Community Improvement Project Areas of the London Plan, with added notations.*

<p><b>SCHEDULE 1 TO THE LONDON PLAN</b></p> <p><b>AMENDMENT NO. 683</b></p> <p>PREPARED BY: Planning Services</p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p><b>FILE NUMBER:</b> O-8788</p> <p><b>PLANNER:</b> JL</p> <p><b>TECHNICIAN:</b> MB</p> <p><b>DATE:</b> 2/26/2020</p>
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**LEGEND**

-  Airport Community Improvement Project Area
-  Downtown Community Improvement Project Area
-  Old East Village Community Improvement Project Area
-  SoHo Community Improvement Project Area
-  Lambeth Community Improvement Project Area

**NOTE:** The Brownfields CIP, Heritage CIP, and Industrial CIP Project Areas include all lands within the municipal boundary

*This is an excerpt from the Planning Division's working consolidation of Map 8 - Community Improvement Project Areas of the London Plan, with added notations.*

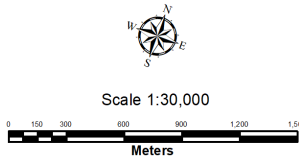
**BASE MAP FEATURES**

-  Streets (See Map 3)
-  Railways
-  Urban Growth Boundary
-  Water Courses/Ponds

**SCHEDULE 1  
TO  
THE LONDON PLAN**

**AMENDMENT NO. 703**

PREPARED BY: Planning Services



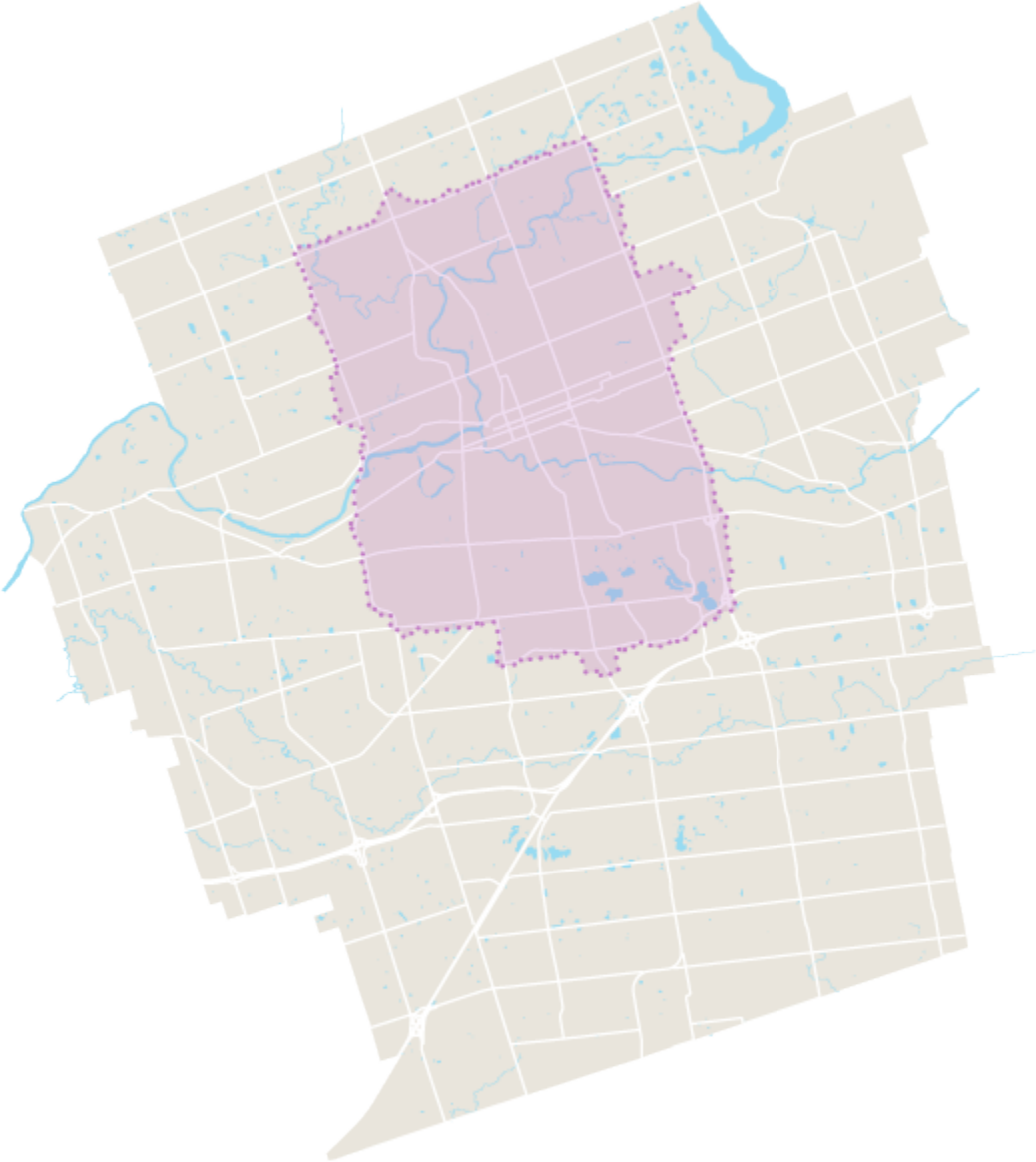
**FILE NUMBER:** O-9044

**PLANNER:** LS

**TECHNICIAN:** MB

**DATE:** 2/26/2020

SCHEDULE 2



## Appendix B: Minor errors and omissions

The following tables outline the changes to The London Plan. Underlined text indicates text additions in this Plan and text that is marked with a ~~strikethrough~~ is to be deleted from this Plan.

Policy	Modification
26	<p>The London Plan is amended to fix a typographical error by replacing the word “for” with the word “of” as follows:</p> <p>26_ While changes may be made to the Plan, any such changes shall be consistent with the policy framework that has been established to evaluate such proposals for change, the Provincial Policy Statement and provincial legislation. It is important to recognize that the Plan may be modified over time, but it is equally as important to ensure that such change does not undermine the purpose and intent of the policy framework <del>for</del> <u>of</u> this Plan.</p>
64	<p>The London Plan is amended to fix a typographical error by replacing the word “forecasted” with the word “forecast” as follows:</p> <p>64_ Our city is <del>forecasted</del> <u>forecast</u> to grow by more than 77,000 people and 41,000 housing units over the life of this Plan. In addition, our commercial uses, offices, institutions, and industries will all grow over the next 20 years. Our economy will expand and the number of people employed in our city will increase significantly.</p>
410_9	<p>The word “an” is added between the words “undertake” and “analysis” in Policy 410_9 of The London Plan to fix a grammatical error as follows:</p> <p>410_9 Where a school site is declared surplus by a school board the City may undertake <u>an</u> analysis to determine neighbourhood need and explore opportunities for acquiring the site for park and/or community facility purposes if required.</p>
427	<p>The London Plan is amended by deleting Policy 427, which is deemed a redundant policy and is not consistent with the format in The London Plan. Policy 427 is replaced with the words “Policy Deleted”.</p> <p><del>427_ All plans, planning and development applications, civic investments and by-laws shall conform with the following policies: <i>Policy Deleted</i></del></p>
448	<p>Policy 448 of The London Plan is amended to improve consistency with the format of The London Plan by adding periods at the end of each listed item.</p> <p>448_ Infrastructure is made up of the below-ground and above-ground systems that provide important drinking water, waste disposal, drainage, and electrical services to Londoners. This infrastructure includes:</p> <ol style="list-style-type: none"> <li>1. Sanitary sewerage – sewers, pumping stations, and wastewater treatment plants.</li> <li>2. Stormwater sewerage – drainage systems, flood control systems, sewers, and stormwater management facilities.</li> <li>3. Drinking water treatment and distribution.</li> <li>4. Electrical services and other utilities.</li> <li>5. Landfill sites and other solid waste treatment facilities.</li> </ol>
762, 877	<p>The London Plan is amended by replacing the word “will” with the word “may” in the following policies to provide consistency of approach to the word “may” for permitted uses in other Place Types throughout the Plan.</p> <p>762_ The following uses <del>will</del> <u>may</u> be permitted within the Green Space Place Type:</p> <p>877_ The following uses <del>will</del> <u>may</u> be permitted within the Shopping Area Place Type:</p>
810_7, 1114_10.f, 1115_10.c, 1116_3	<p>The London Plan is amended by deleting the word “commercial” in the following policies for consistency elsewhere in the Plan:</p> <p>810_7. Plan for retail and service <del>commercial</del> uses, plaza spaces and attractive outdoor seating areas, accessible to the public, located adjacent to transit stations.</p>

	<p>1114_10. f. To provide convenient services to those who work in the Heavy Industrial Place Type, small-scale retail and service <del>commercial</del> uses that will not detract from the industrial operations of the surrounding lands may be permitted, up to 1,000m<sup>2</sup>.</p> <p>1115_10.c. To provide convenient services to those who work in the Light Industrial Place Type, small-scale retail and service <del>commercial</del> uses that will not detract from the industrial operations of the surrounding lands may be permitted, up to 1,000m<sup>2</sup>. Uses within these categories that generate high automobile traffic will not be permitted.</p> <p>1116_3. Small amounts of retail and service <del>commercial</del> development may be permitted to serve the employees of these parks, provided these uses do not generate high automobile traffic.</p>
853_1	<p>Policy 853 of The London Plan is amended to include the entire Urban Corridor Place Type in accordance with Map 1 – Place Types of this Plan.</p> <p>1. Dundas Street - from First Street to <del>Veterans Memorial Parkway</del> <u>Crumlin Sideroad</u></p>
908_1	<p>Policy 908 of The London Plan is amended for consistency with the policies and approach of other Place Types in this Plan, as follows:</p> <p>1. A broad range of residential, retail, service, <del>and office, and institutional</del> uses may be permitted within the Main Street Place Type.</p>
1023	<p>The London Plan is amended by deleting existing Policy 1023 in its entirety and replacing it with the following:</p> <p><del>1023_ Office conversions will be permitted within the area along Richmond Street, between Grosvenor Street and Oxford Street East, and along Oxford Street East, between the Thames River and Adelaide Street North. Notwithstanding the provisions of the applicable underlying place type policies, office conversions will not be permitted in any other area of the neighbourhood. Office conversions will be permitted within the St. George/Grosvenor Neighbourhood.</del></p>
1041A (New), 1045	<p>The London Plan is amended by changing the address from 3924 Colonel Talbot Road to 3725 Bostwick Road. The property has been severed, and the lands to which Policy 1045 applies are now addressed as 3725 Bostwick Road. This Plan is amended by deleting the existing policy in its entirety and replacing with the words "Policy Deleted". Policy 1041A is added to provide a specific policy guidance on 3725 Bostwick Road and re-order the policies alphabetically.</p> <p><u>3725 BOSTWICK ROAD</u></p> <p><u>1041A In the Neighbourhoods Place Type at the north-easterly quadrant of the lands at 3725 Bostwick Road, a church use on a lot comprising approximately 12 hectares, and on a private septic system may also be permitted until such time as municipal sanitary and storm water services are available to the subject property, at which time the church use will be required to connect to municipal services.</u></p> <p><u>3924 COLONEL TALBOT ROAD</u></p> <p><del>1045_ In the Neighbourhoods Place Type at the north-easterly quadrant of the lands described as 3924 Colonel Talbot Road Pt. Lt. 73, a church use on a lot comprising approximately 12 hectares, and on a private septic system may also be permitted until such time as municipal sanitary and storm water services are available to the subject property, at which time the church use will be required to connect to municipal services. Policy Deleted</del></p>
1061	<p>Policy 1061 of The London Plan is amended to ensure consistency in punctuation by adding a period at the end of the policy.</p> <p>1061_ In the Neighbourhoods Place Type applied to the lands located at 1192 Highbury Avenue and 3 Mark Street, retail and services uses may be permitted.</p>
1072_1	<p>Policy 1072_1 of The London Plan presents some errors and is amended with</p>

	<p>modifications to improve clarity.</p> <p>1. High density residential development may be permitted in this area that can accommodate increased height and densities which provide a transition from the residential uses to the Thames Valley Corridor. <del>While providing for enhanced recreational uses and providing areas for community activities along the Thames Valley Corridor</del> <u>will be provided</u> through the application of Urban Design principles approved for the SoHo Community Improvement Plan and as provided for in the City Design chapter and the Our Tools part of this Plan.</p>
1137	<p>The London Plan is amended to fix a grammatical error by replacing the single reference to “contractor’s shops” with the plural reference to “contractors’ shops”.</p> <p>1137_ [...] These may include such uses as warehousing, research and communication facilities; laboratories; printing and publishing establishments; warehouse and wholesale outlets; technical, professional and business services such as architectural, engineering, survey or business machine companies; commercial recreation establishments; private clubs; private parks; restaurants; hotels and motels; service trades; and <del>contractor’s shops</del> <u>contractors’ shops</u> that do not involve open storage.</p>
1206	<p>The London Plan is amended for greater consistency and clarity by amending existing Policy 1206 as follows:</p> <p>1206_ Green <del>S</del>space uses may include public or private outdoor recreational activities, golf courses and conservation areas, as well as associated ancillary facilities, consistent with the <i>Provincial Policy Statement</i> and in conformity with the Green Space Place Type policies of this Plan, as well as the following: [...]</p> <p>4. <u>Green space and conservation uses</u> <del>S</del>shall only be permitted through an amendment to this Plan.</p>
1451	<p>1. Policy 1451 of The London Plan is amended with modifications to be consistent with the revised mapping line work of the Kettle Creek Conservation Authority, as follows:</p> <p>1451_ Detailed flood line mapping studies have been completed for most of the tributaries in the Upper Thames <u>and Kettle Creek watersheds</u>. Due to limited development pressure in <del>these areas</del> <u>the Lower Thames Valley Conservation Authority area of jurisdiction within the City of London</u>, studies have not been completed. <del>For the Kettle Creek and Lower Thames Valley Conservation Authority areas of jurisdiction within the City of London</del>. The approximate boundaries of the flood plain, which contain those lands below the Regulatory Flood Standard, are identified on Map 6.</p> <p>2. Map 6 – Hazard and Natural Resources of The London Plan is amended by revising the boundaries of the flood plain through a future housekeeping amendment at a later date.</p>
1452_3	<p>Policy 1452 of The London Plan is amended by deleting the words “Kettle/Dodd Creek or” and the letter “s” at the end of the word “subwatersheds” to align with the revised mapping line work of the Kettle Creek Conservation Authority.</p> <p>3. Flood plain mapping has not been prepared for the <del>Kettle/Dodd Creek or Sharon Creek subwatersheds</del>. Any proposal for development within, or partly within, regulated areas in the <del>Kettle/Dodd Creek or Sharon Creek subwatersheds</del>, as identified on Map 6, will be required to fulfill the requirements of the conservation authority having jurisdiction and applicants may be required to undertake studies necessary to delineate flood prone lands.</p>
1587	<p>The London Plan is amended to correct a grammatical error by replacing the words “that will” with the word “to” in Policy 1587.</p> <p>1587_ A Planning and Design Report shall be required <del>that will</del> <u>to</u> address the Evaluation Criteria for Planning and Development Application policies in the Our Tools part of this Plan. Such reports will clearly articulate and address matters relating to the use, intensity and form of the proposal.</p>

1611	<p>The London Plan is amended to improve clarity by replacing the reference to “Municipal Staff” with the reference to “City Staff” in Policy 1611.</p> <p>1611_ City Council may, by by-law, require a Pre-application Consultation Meeting. The purpose of the Consultation Meeting is to allow the applicant to discuss with <del>Municipal Staff</del> <u>City Staff</u> matters pertaining to the application. Through these discussions, <del>Municipal Staff</del> <u>City Staff</u> will have the opportunity, in consultation with the applicant, to outline the information and materials that the applicant will be required to submit concurrently with the application. [...]</p>
1614A	<p>A new policy is added to The London Plan to implement a new requirement under the Planning Act in keeping with Bill 73, as follows:</p> <p><b><u>STRATEGY FOR CONSULTING WITH THE PUBLIC</u></b></p> <p><u>1614A For any application for an official plan amendment or zoning by-law amendment, a proposed strategy for consulting with the public with respect to the application may be required as part of a complete application.</u></p>
Figure 3	<p>The London Plan is amended by adding a layer feature that shows the Thames Valley corridor to Figure 3 for consistency with other Figures in this Plan, as shown in Appendix C (Schedule 2).</p>

## Appendix C: Approved Official Plan Amendments (OPAs)

Policy	OPA No. (Date in-force)	Modification	Description of OPA
865B (New)	642 (August 3, 2016)	<p>1. A new specific policy for the Rapid Transit and Urban Corridor Place Types of The London Plan is added as follows:</p> <p style="text-align: center;"><u>240 WATERLOO STREET AND 358 HORTON STREET EAST</u></p> <p><u>865B</u> In the Urban Corridor Place Type at 240 Waterloo Street and 358 Horton Street East, office uses may be permitted up to a maximum gross floor area of 3,000m<sup>2</sup> (32,291 sq. ft.).</p> <p>2. Map 7 of The London Plan will be amended by adding a specific policy area for the lands located at 240 Waterloo Street and 358 Horton Street East, through a future housekeeping amendment at a later date.</p>	<p>The purpose of OPA No. 642 is to allow an increase in office gross floor area of 3,000m<sup>2</sup> on the lands located at 240 Waterloo Street and 358 Horton Street East.</p> <p>As the OPA predates the approval of The London Plan, a specific policy to the Rapid Transit and Urban Corridor Place Types of The London Plan is necessary to continue to permit office uses up to 3,000m<sup>2</sup> which exceeds the maximum office space established in The London Plan. The subject lands are within the Urban Corridor Place Type where individual buildings may contain a maximum of 2,000m<sup>2</sup> for office uses (Policy 840_5). The amendment facilitates the adaptive reuse of a heritage listed structure.</p>
1565_6 (New)	646 (September 30, 2016)	<p>1. The list of adopted secondary plans (Policy 1565) of The London Plan is amended by adding a new secondary plan as follows:</p> <p style="text-align: center;"><u>6. Beaufort/Irwin/Gunn/Saunby (BIGS) Neighbourhood Secondary Plan</u></p> <p>2. Map 7 of The London Plan will be amended by adding the BIGS Neighbourhood Secondary Plan Area, through a future housekeeping amendment at a later date.</p>	<p>The purpose of OPA No. 646 is to adopt and add Beaufort/Irwin/Gunn/Saunby (BIGS) Neighbourhood Secondary Plan as a secondary plan under the 1989 Official Plan (Section 20 – Secondary Plan and Schedule D – Planning Areas).</p> <p>The addition of the BIGS Neighbourhood Secondary Plan to The London Plan was considered as a future amendment after the approval of The London Plan by the Ministry of Municipal Affairs.</p>
1076A (New)	647 (October 12, 2016)	<p>1. A new specific policy for the Neighbourhoods Place Type of The London Plan is added as follows:</p> <p style="text-align: center;"><u>21 WHARNCLIFFE ROAD SOUTH</u></p> <p><u>1076A</u> In the Neighbourhoods Place Type at 21 Wharnclyffe Road South, the existing building may be entirely adaptively re-used for an office conversion up to a maximum gross floor area of 2,750m<sup>2</sup> (29,596 sq. ft.). New construction shall be</p>	<p>The purpose of OPA No. 647 is to permit an increased office gross floor area for office conversion up to 2,750m<sup>2</sup> on the lands located at 21 Wharnclyffe Road South.</p> <p>A specific policy to the Neighbourhoods Place Type of The London Plan is necessary to permit an office conversion within the existing building on the subject lands. The lands are at the corner of a Civic Boulevard (Wharnclyffe Rd S) and Neighbourhood Street (Riverview Ave), where</p>



		<p><u>compliant with the relevant policies.</u></p> <p>2. Map 7 of The London Plan will be amended by adding a specific policy area for the lands located at 21 Wharcliffe Road South, through a future housekeeping amendment at a later date.</p>	<p>office conversions are not permitted (Table 10, under appeal). The amendment facilitates the adaptive reuse of the existing heritage listed structure, and any new development proposed shall comply with the Neighbourhoods Place Type policies.</p>
1134A (New)	650 (January 10, 2017)	<p>1. A new specific policy for the Light Industrial Place Type of The London Plan is added as follows:</p> <p><u>1577 AND 1687 WILTON GROVE ROAD</u></p> <p><u>1134A In the Light Industrial Place Type at 1577 and 1687 Wilton Grove Road, in addition to the uses permitted in the Light Industrial Place Type, food, tobacco, and beverage processing industries may also be permitted.</u></p> <p>2. Map 1 – Place Types of The London Plan will be amended by changing the designation of the lands located at 1577 and 1687 Wilton Grove Road from Future Industrial Growth and Environmental Review Place Types to Light Industrial and Green Space Place Types in order to align with the changes made to Schedule A of the Official Plan, through a future housekeeping amendment at a later date.</p> <p>3. Map 5 – Natural Heritage of The London Plan will be amended by revising the boundaries of Environmental Significant Areas and Provincially Significant Wetlands and remove a Potential Naturalization Area in order to align with the changes made to Schedule B-1 of the Official Plan, through a future housekeeping amendment at a later date.</p> <p>4. Map 7 – Specific Policy Areas of The London Plan will be amended by adding a specific policy area for the lands for 1577 and 1687 Wilton Grove Road, through a future housekeeping amendment at a later date.</p>	<p>OPA No. 650 is intended to designate and zone the lands located at 1577 and 1687 Wilton Grove Road for future light industrial development and to protect environment features in consistency with the Industrial Land Development Strategy.</p> <p>In addition to a new polity to Section 10 – Policies for Specific Areas of the 1989 Official Plan, the OPA is to designate those lands as Light Industrial and Open Space in Schedule A – Land Uses of the Official Plan. Another change to Schedule B-1 – Natural Heritage Features of the Official Plan is to revise the boundary of the Environmental Significant Areas and Provincially Significant Wetlands, remove an Unevaluated Corridor and Potential Naturalization Area, and add a Potential Naturalization Area.</p> <p>Changes to Maps 1, 5, and 7, and a new specific policy for the Light Industrial Place Type were considered as a future amendment to The London Plan after the approval of The London Plan.</p>
1038B (New)	651 (February)	<p>1. A new specific policy to the Neighbourhoods Place Type of</p>	<p>The purpose of OPA No. 651 is to allow for a personal</p>

	22, 2017)	<p>The London Plan is added as follows:</p> <p><u>1448 ADELAIDE STREET NORTH</u></p> <p><u>1038B In the Neighbourhoods Place Type at 1448 Adelaide Street North, in addition to the uses permitted in the Neighbourhoods Place Type, a personal service establishment may also be permitted within the existing building.</u></p> <p>2. Map 7 of The London Plan will be amended by adding a specific policy area for the lands located at 1448 Adelaide Street North, through a future housekeeping amendment at a later date.</p>	<p>service establishment use in the existing building at 1448 Adelaide Street, while maintaining the existing single detached dwelling form.</p> <p>A specific policy to the Neighbourhoods Place Type of The London Plan is necessary to permit a personal service establishment on the subject lands. The lands have with frontage on a Civic Boulevard (Adelaide St N), and are not located at an intersection. Mixed-use buildings and stand-alone office, retail, and service uses, including personal services, are not permitted on the lands (Table 10, under appeal). The amendment facilitates the adaptive reuse of the existing residential building.</p>
1115_12 (New) 1115_13 (Re-numbered)	653 (June 29, 2017)	<p>The permitted uses in the Light Industrial Place Type of The London Plan are amended by adding a new policy and renumbering the existing policy 1115_12 as policy 1115_13:</p> <p><u>12. Outdoor patios in association with craft brewery and artisan workshop establishments may be permitted subject to a minor variance, provided they meet the following criteria:</u></p> <p><u>a. A craft brewery or artisan workshop establishment is permitted through zoning.</u></p> <p><u>b. The location and operation of the proposed outdoor patio will not impose inappropriate impacts on the industrial operations or residential uses in the surrounding area. Where necessary, conditions of the minor variance will be required to mitigate impacts.</u></p> <p><u>c. The outdoor patio capacity, location with respect to residential uses, outdoor lighting, loading, and parking criteria outlined in Section 4.18 of the Zoning By-law are addressed.</u></p> <p><u>d. Site-specific issues relating to the context and site layout of the outdoor patio are</u></p>	<p>The purpose of OPA No. 653 is to permit outdoor patios in association with craft brewery and artisan workshop establishments within Light Industrial areas, subject to meeting locational criteria through a minor variance.</p> <p>The introduction of outdoor patios to light industrial areas may cause conflicts and interfere with operations and expansions of industrial uses, and is contrary to the intent of Light Industrial policies of the 1989 Official Plan and the Light Industrial Place Type in The London Plan.</p> <p>As such, the OPA proposed to establish policy criteria in both the 1989 Official Plan (Section 7.3.2 – Uses Permitted by Site Specific Zoning) and the McCormick Area Secondary Plan to ensure the outdoor patio impact can be evaluated on a site-specific basis to obtain a minor variance.</p> <p>A specific policy to the Light Industrial Place Type of The London Plan is necessary to continue to permit outdoor patios in association with craft brewery and artisan workshop establishments subject to a minor variance.</p>

		<p><u>addressed.</u></p> <p><del>4213.</del> The full range of uses described above will not necessarily be permitted on all sites within the Light Industrial Place Type.</p>	
1039A (New)	658 (October 13, 2017)	<p>1. A new specific policy for the Neighbourhoods Place Type of The London Plan is added as follows:</p> <p><u>633, 635, 637, 645, 649, 651 AND 655 BASE LINE ROAD EAST</u></p> <p><u>1039A In the Neighbourhoods Place Type at 633, 635, 637, 645, 649, 651 and 655 Base Line Road East, the proposed continuum of care facility may have a building height of 8 storeys (38.5m) as implemented through a bonus zone.</u></p> <p>2. Map 7 of The London Plan will be amended by adding a specific policy area for the lands located at 633, 635, 637, 645, 649, 651 and 655 Base Line Road East, through a future housekeeping amendment at a later date.</p>	<p>OPA No. 658 is to facilitate a senior's continuum of care facility on the lands located at 633, 635, 637, 645, 649, 651 and 655 Base Line Road East.</p> <p>The OPA demonstrates that the proposed increase in building height to 8 storeys is appropriate for the proposed continuum of care use on a site-specific basis, and the proposed mix of independent and assisted senior's facilities is an appropriate range of uses for these lands.</p> <p>A specific policy to the Neighbourhoods Place Type in The London Plan is necessary to permit the apartment use and an increase to 8 storeys on the subject lands through a bonus zone. The lands have frontage on a Neighbourhood Connector (Base Line Rd E) where a maximum building height is 2.5 storeys (Table 11, under appeal). The amendment supports a form of seniors housing that is appropriate for the site and compatible with the surrounding area.</p>
864E (New), 1063A (New), 1132A (New)	663, 664 (November 20, 2017)	<p>1. Specific Policies for the Rapid Transit and Urban Corridor Place Types of The London Plan are amended by adding the following:</p> <p><u>100 KELLOGG LANE AND 1063, 1080, 1097 AND 1127 DUNDAS STREET</u></p> <p><u>864E In the Rapid Transit Corridor Place Type located at 100 Kellogg Lane and 1097 and 1127 Dundas Street, self-storage establishments may also be permitted in the basement of the existing buildings. Office uses may be permitted at 100 Kellogg Lane up to a total maximum gross floor area of 8,361m<sup>2</sup> (within the existing building) in combination with the Light Industrial Place Type portion of the site to the</u></p>	<p>OPAs 663 and 664 are intended to permit the re-use of the existing lands and buildings for a variety of residential, commercial and light industrial uses, while providing accessory parking on abutting lands.</p> <p>These OPAs apply to the lands located at 100, 335 and 353 Kellogg Lane, 1063, 1080, 1097, and 1127 Dundas Street, and 1151 York Street.</p> <p>These OPAs are to permit office uses at a total gross floor area of 8,361m<sup>2</sup> and self-storage establishments as permitted uses; and to designate these lands located at the north portion of 100 Kellogg Lane and 1097 and 1127 Dundas Street from Light Industrial to Main Street</p>

		<p><u>south. Accessory parking in favour of the uses located at 100 Kellogg Lane may be permitted at 1063, 1080, 1097 and 1127 Dundas Street.</u></p> <p>2. Specific Policies for the Neighbourhoods Place Type of The London Plan are amended by adding a new policy as follows:</p> <p><u>335 AND 353 KELLOGG LANE</u></p> <p><u>1063A In the Neighbourhoods Place Type located at 335 and 353 Kellogg Lane, accessory parking in favour of the uses at 100 Kellogg Lane will be permitted.</u></p> <p>3. A new specific policy for the Light Industrial Place Type of The London Plan is added as follows:</p> <p><u>100 KELLOGG LANE AND 1151 YORK STREET</u></p> <p><u>1132A In the Light Industrial Place Type located at 100 Kellogg Lane, self-storage establishments and offices (within the existing building) will also be permitted. Office uses within the existing building may be permitted up to a total maximum gross floor area of 8,361m<sup>2</sup> in combination with the Rapid Transit Corridor Place Type portion of the site to the north. Accessory parking in favour of the uses at 100 Kellogg Lane may be permitted at 1151 York Street.</u></p> <p>4. Map 7 of The London Plan will be amended by adding a specific area for the lands located at 100, 335, and 353 Kellogg Lane, 1063, 1080, 1097, and 1127 Dundas Street, and 1151 York Street, through a future housekeeping amendment at a later date.</p>	<p>Commercial Corridor in Schedule A – Land Use of the Official Plan. These lands are located within the Rapid Transit Corridor, Neighbourhoods, and Light Industrial Place Types identified in The London Plan.</p> <p>The proposed Main Street Commercial Corridor fronts an arterial road and future rapid transit corridor uses. This designation is in keeping with the Rapid Transit Corridor Place Type. Given that, no change to Map 1 – Place Types of The London Plan is recommended.</p> <p>Changes to The London Plan proposed through the OPA, but were withheld until The London Plan came in force and effect.</p>
<p>1073A (New)</p>	<p>666 (November 15, 2017)</p>	<p>1. A new specific policy for the Neighbourhoods Place Type of The London Plan is added as follows:</p> <p><u>379 SUNNINGDALE ROAD WEST</u></p>	<p>OPA No. 666 is intended to encourage the development of a plan of subdivision (File No. 39T-16504). The plan of subdivision includes densities and built form regulations that are compatible and provide a good transition with</p>

		<p><u>1073A The following policies apply to the lands at 379 Sunningdale Road West, Blocks 1-6 which form part of the Sunningdale Subdivision (39T-16504).</u></p> <ol style="list-style-type: none"> <li><u>1. Blocks 1, 2 and 6 may be permitted to develop at a maximum density of 35 units per hectare.</u></li> <li><u>2. Blocks 3 and 4 may be permitted to develop at a maximum density of 150 units per hectare and a maximum height of 10 storeys.</u></li> <li><u>3. Street-oriented development will be encouraged in order to provide a strong street edge and to eliminate the need for continuous noise walls in this area.</u></li> <li><u>4. A graduated “step down” of building height will be encouraged between any proposed buildings on Block 3 that implement the maximum height provision of policy 2 above and the interface of Sunningdale Road.</u></li> <li><u>5. Surface parking will be discouraged along the Sunningdale Road street frontages in order to establish a strong building/street interface in this area. Should surface parking be considered necessary, the parking area must be appropriately screened from the street.</u></li> <li><u>6. Holding provisions will be applied to all zones in this area to guide site layout and building form.</u></li> </ol> <p>2. Map 7 of The London Plan will be amended by adding a specific policy area for the lands located at 379 Sunningdale Road West, through a future housekeeping amendment at a later date.</p>	<p>surrounding land uses, while protecting the existing natural heritage features (the Medway Valley).</p> <p>The OPA is to provide the guidance on future development on the lands located at 379 Sunningdale Road, including four residential blocks (Blocks 1, 2, 3, and 4), an open space block (Block 5), and office/residential block (Block 6).</p> <p>The policy permits a maximum density of 35 units per hectare on Blocks 1, 2, and 6; permits a maximum density of 150 units per hectare and maximum height of 10 storeys on Blocks 3 and 4; encourages street-oriented development and a graduated “step down” of the building height for Block 3; discourages surface parking along Sunningdale Road street frontages; and permits holding provisions.</p> <p>A specific policy to the Neighbourhoods Place Type is recommended to align with the changes made to the Official Plan. The subject lands are within the Neighbourhoods Place Type and located at the intersection of a Civic Boulevard (Sunningdale Rd W) and a Neighbourhood Connector (Meadowlands Way). Low-rise dwelling forms and mixed-use buildings up to 4 storeys are permitted. A height of up to 6 storeys may be permitted through a bonus zone.</p>
<p>1140A (New)</p>	<p>669 (January 15, 2018)</p>	<p>1. A new policy to the Specific Policies for the Light Industrial Place Type of The London Plan is added as follows:</p> <p><u>&gt; BRYDGES STREET AREA</u></p> <p><u>1140A Within the Brydges Street Area, as shown on Map 7, a limited amount of commercial uses may be</u></p>	<p>OPA No. 669 is intended to allow for limited commercial uses subject to meeting specific criteria within the industrial portion of the Brydges Street Area by adding a new policy in Section 10 – Policies for Specific Areas of the 1989 Official Plan.</p>

		<p><u>permitted, through a site-specific zoning by-law amendment provided the following conditions can be met:</u></p> <ol style="list-style-type: none"> <li>1. <u>The commercial use is located within an existing building.</u></li> <li>2. <u>Additions to or enlargement of the building to accommodate commercial uses will be discouraged. Substantial additions or alterations to existing buildings to accommodate commercial uses will not be permitted.</u></li> <li>3. <u>The commercial use does not fit well within the Downtown, Transit Village, Rapid Transit Corridor, Urban Corridor, Shopping Area or Main Street Place Type due to its planning impacts.</u></li> <li>4. <u>The commercial use may generate noise, vibration or emission impacts.</u></li> <li>5. <u>The commercial use may generate large volumes of truck traffic.</u></li> <li>6. <u>The commercial use may require large storage and/or display space.</u></li> <li>7. <u>Minor variances to accommodate additional parking or minor variances that could have an impact on the industrial operations in the area will be discouraged.</u></li> <li>8. <u>The commercial use would not prevent the future re-use of the building for industrial uses.</u></li> <li>9. <u>The commercial use does not generate significant additional traffic that will interfere with the industrial uses or operations in the area.</u></li> <li>10. <u>The commercial use does not constitute a sensitive land use which would have an impact on, or would impair or interfere with the existing or planned industrial use of the area.</u></li> </ol> <p>2. Map 7 of The London Plan will be amended by adding the Brydges Street Area as a new specific policy area, through a</p>	<p>The criteria seek to ensure any commercial uses within the Brydges Street Area do not negatively affect existing or future industrial or residential uses, while maintaining the existing building stock and attracting new industrial users.</p> <p>Changes to The London Plan proposed through the OPA include a new specific policy for the Light Industrial Place Type to allow for limited commercial uses within the Place Type portion of the Brydges Street Area, subject to specific criteria; and a specific policy area to Map 7 – Specific Policy Area. The changes were withheld until The London Plan came into force and effect.</p>
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		future housekeeping amendment at a later date.	
1132B (New)	671 (March 6, 2018)	<p>1. Specific Policies for the Light Industrial Place Type of The London Plan are amended by adding a new policy as follows:</p> <p><u>2150 OXFORD STREET EAST</u></p> <p><u>1132B. In the Light Industrial Place Type at 2150 Oxford Street East, in addition to the uses permitted in the Light Industrial Place Type, offices will be permitted in Phase 2 of the development up to a maximum gross floor area of 2,200m<sup>2</sup> (23,680.6 sq. ft.).</u></p> <p>2. Map 7 of The London Plan will be amended by adding a specific policy area for the lands located at 2150 Oxford Street East, through a future housekeeping amendment at a later date.</p>	<p>The purpose of OPA No. 671 is to allow office uses as an additional permitted uses with a maximum gross floor area of 2,200m<sup>2</sup>.</p> <p>The OPA provides flexibility for the lands located at 2150 Oxford Street East to accommodate a wider range of office-type uses and adjust to future market demands.</p> <p>Proposed changes to The London Plan were withheld until The London Plan came into force and effect.</p>
1062A (New)	672 (May 2, 2018)	<p>1. Specific Policies for the Neighbourhoods Place Type of The London Plan are amended by adding the following:</p> <p><u>1176, 1200 AND 1230 HYDE PARK ROAD</u></p> <p><u>1062A. In the Neighbourhoods Place Type located greater than 100 metres from the widened Hyde Park Road right-of-way and east of the westerly limit of the new public street and south of the southerly limit of the new public street, stacked townhouses, triplexes, fourplexes and low-rise apartments will be permitted fronting onto a Neighbourhood Street up to 4-storeys in height.</u></p> <p><u>In the Neighbourhoods Place Type located west of the westerly limit of the new public street and north of the northerly limit of the new public street, stacked townhouses, triplexes, fourplexes, and low-rise apartments will be permitted fronting onto a Neighbourhood Street up to 3-storeys in height.</u></p> <p><u>Development shall not be permitted in the Neighbourhoods Place Type unless through a zoning by-law amendment and/or plan of subdivision:</u></p>	<p>The purpose of OPA No. 672 is to facilitate a mixed-use development having a low-rise and mid-rise profile on the lands located at 1176, 1200, and 1230 Hyde Park Road.</p> <p>The mixed use development will consist of mixed-use building up to 6-storeys in height fronting onto Hyde Park Road that include commercial uses on the ground floor together with residential uses, and townhouses, stacked townhouses, triplexes, fourplexes, and apartment buildings up to 4 storeys in height fronting onto a new public street constructed on the site west of Hyde Park Road.</p> <p>A London Plan amendment proposed through the OPA were withheld until The London Plan was in force and effect. The amendment includes changes to Maps 1 and 7 and Specific Policies for the Neighbourhoods Place Type.</p>

		<ol style="list-style-type: none"> <li>1. <u>An environmental impact study, geotechnical report, and hydrogeological assessment have demonstrated that the permitted land uses and form of development will not have a negative impact on adjacent natural hazards and natural heritage features and their functions to the satisfaction of the City of London and the UTRCA.</u></li> <li>2. <u>A noise and vibration study has demonstrated that railway corridors will not have an adverse impact on new sensitive land uses, or mitigative measures provided, to the satisfaction of the City of London.</u></li> <li>3. <u>A compatibility study has demonstrated that Ministry of the Environment and Climate Change D-6 Guidelines: Compatibility Between Industrial Facilities and Sensitive Land Uses can be met, or mitigative measures provided, to the satisfaction of the City of London.</u></li> <li>4. <u>A new public street is created west of Hyde Park Road.</u></li> </ol> <p>2. Map 1 – Place Type of The London Plan will be amended by changing the Place Type of lands located at 1176 Hyde Park Road from the Green Space Place Type to the Neighbourhoods Place Type, through a future housekeeping amendment at a later date.</p> <p>3. Map 7 – Specific Policy Areas of The London Plan will be amended by adding a specific policy area for the lands located at 1176, 1200 and 1230 Hyde Park Road, through a future housekeeping amendment at a later date.</p>	
Map 8	674 (May 2, 2018)	Map 8 – Community Improvement Project Areas – of The London Plan is amended by adding the Hamilton Road Area Community Improvement Project Area.	The purpose of OPA No. 674 is to include the Hamilton Road Area Commercial Area to the 1989 Official Plan. The Area is defined as the CN railway tracks to the north, Highbury Avenue to the east, the Thames River to the south, Adelaide Street to the



			west, and also including all properties with frontage on Hamilton Road west of Adelaide Street, as well as 219-221 William Street. A proposed amendment to The London Plan was withheld.
1721_1	675 (May 8, 2018)	<p>Policy 1721_1 with regard to Cultural Heritage Guideline Documents of The London Plan is deleted in its entirety and replaced with the following policy:</p> <ol style="list-style-type: none"> <li>1. <del>Archaeological Master Plan</del> <u>Archaeological Management Plan</u></li> </ol>	<p>The London's Archaeological Master Plan (1996) is now replaced by the Archaeological Management Plan (2017). OPA No. 675 is to bring existing land use planning tools into conformity with the Archaeological Management Plan by replacing the Archaeological Master Plan with the Archaeological Management Plan in the 1989 Official Plan and The London Plan. An amendment to The London Plan was withheld.</p>
1673A (New)	677 (May 8, 2018)	<ol style="list-style-type: none"> <li>1. Policy 800_5 of The London Plan will be amended by adding the following at the end of the existing policy:  <u>Criteria for evaluating requests for temporary zone extensions are provided in the Our Tools part of this Plan.</u></li> <li>2. The London Plan is amended by adding new Policy 1673A as follows:  <u>1673A For lands within the Downtown Place Type, the following criteria will be used to evaluate both applications for temporary zoning to permit surface commercial parking lots and applications for extensions to temporary zoning to permit surface commercial parking lots, in the Downtown:</u> <ol style="list-style-type: none"> <li>1. <u>The demonstrated need for surface parking in the area surrounding the subject site. Utilization rates for sub-areas of the Downtown may be used to evaluate this need.</u></li> <li>2. <u>The importance of any pedestrian streetscapes that are impacted by the surface commercial parking lot and the degree to which these streetscapes are impacted.</u></li> </ol> </li> </ol>	<p>The purpose of OPA No. 677 is to add criteria to provide a consistent basis for evaluating requests for temporary commercial parking lot extensions and meeting the long-term goal of replacing surface lots with development that includes underground or above-ground parking spaces. In the Downtown.</p> <p>Proposed changes to The London Plan were withheld until the Plan came in force and effect. Although an affected policy (Policy 800_5) remains under appeal a proposed policy (Policy 1673A) is necessary in The London Plan. Policy 1673A introduces criteria to assess requests for extension of temporary zoning for existing surface commercial parking lots in the Downtown Place Type.</p> <p>A change to Policy 800_5 will be addressed through a future housekeeping amendment at a later date.</p>

		<p><u>3. The size of the parking lot, recognizing a goal of avoiding the underutilization of Downtown lands.</u></p> <p><u>4. The length of time that the surface commercial parking lot has been in place, recognizing it is not intended that temporary uses will be permitted on a long-term basis.</u></p> <p><u>5. Applicable guideline documents may be used to provide further, more detailed, guidance in applying these policies.</u></p> <p><u>6. Site plan approval will be required for all temporary surface commercial parking lots in the Downtown.</u></p> <p><u>7. Where Council does not wish to extend the temporary zoning for a surface commercial parking lot a short-term extension of the temporary zone may be permitted for the purpose of allowing users of the lot to find alternative parking arrangements.</u></p>	
<p>1070A (New), 1070B (New)</p>	<p>681 (July 27, 2018)</p>	<p>1. Specific Policies for the Neighbourhoods Place Type of The London Plan are amended by adding the following:</p> <p><u>335-385 SASKATOON STREET</u></p> <p><u>1070A In the Neighbourhoods Place Type at 335-385 Saskatoon Street, automobile repair garages, charitable organization offices, and support offices may be permitted in the existing buildings.</u></p> <p><u>340-390 SASKATOON STREET</u></p> <p><u>1070B In the Neighbourhoods Place Type at 340-390 Saskatoon Street, support offices, studios, and warehouse establishments may be permitted in the existing buildings.</u></p> <p>2. Map 7 of The London Plan will be amended by adding a specific policy area for the lands located at 335-385 and</p>	<p>The purpose of OPA No. 681 is to add to permit existing non-residential uses in existing buildings at 335-385 and 340-390 Saskatoon Street until such time as the subject lands can be redeveloped for residential uses as intended in the Low Density Residential designation identified in the 1989 Official Plan.</p> <p>The OPA is to add specific policies to the 1989 Official Plan and The London Plan to permit the automotive repair garages, charitable organization offices and support offices in the existing at 335-385 Saskatoon Street and studios, warehouse establishments, and support offices in the existing building at 340-390 Saskatoon Street.</p> <p>A proposed amendment to The London Plan was withheld since the Neighbourhoods Place Type policies were not in force and effect due to appeals to the Ontario Municipal Board.</p>

		340-390 Saskatoon Street, through a future housekeeping amendment at a later date.	
Map 8	683 (August 23, 2018)	Map 8 – Community Improvement Project Areas – of The London Plan is amended by adding lands along Richmond Row north of the existing boundary of the Downtown Community Improvement Project Area.	OPA No. 683 is intended to expand the existing Downtown Community Improvement Plan project Area in the 1989 Official Plan, The London Plan, and the Downtown Community Improvement Plan approved by Council in 1995. The expanded boundary includes properties within the boundary of the Downtown Business Improvement Area, which was revised by Council in 2014, to offer incentives over a broader area along Richmond Street. A proposed amendment to The London Plan was withheld.
1034_7 (New), 1038A (New), 1038C (Re-numbered)	691 (February 19, 2019)	<p>1. The Woodfield Neighbourhood Specific Policies of The London Plan are amended by adding the following:</p> <p style="padding-left: 40px;">1034_7. 470 Colborne Street.</p> <p>2. A new policy for the Woodfield Neighbourhood Specific Policies is added as Policy 1038A immediately after policy 1038. The existing policy 1038A is renumbered to 1038C immediately after new policy 1038B (OPA No. 651) as follows:</p> <p style="padding-left: 40px;"><u>1038A In addition to the uses permitted in the Neighbourhoods Place Type, new office uses may be permitted within the existing building at 470 Colborne Street, provided there is little alteration to the external residential character of the original residential structure and at least one above-grade residential dwelling unit is provided and maintained within the building. These new office uses may be established with other permitted uses in a mixed-use format. Residential intensification and conversions to non-residential uses shall be permitted only where it is compatible with the character, scale and intensity of the surrounding low-rise residential neighbourhood and where the intent of the Near-Campus</u></p>	<p>The purpose of OPA No. 691 is to identify 470 Colborne Street as a location where office conversions may be permitted within the existing building along with other permitted uses.</p> <p>470 Colborne Street had been used as a commercial recreation establishment within the Woodfield Neighbourhood where office conversions are permitted.</p> <p>The OPA is to facilitate the adaptive re-use of the existing building at 470 Colborne Street for residential, office, and institutional uses in a mixed-use format by adding policies subject to the subject property in the 1989 Official Plan (Section 3.5.4 – Woodfield Neighbourhood and Section 3.6.9 – Office Conversions) and The London Plan.</p> <p>A London Plan amendment proposed through the OPA was withheld as the affected portions of the Neighbourhoods Place Type and Woodfield Neighbourhood policies were under appeal.</p>

		<p><u>Neighbourhoods policies is met. Site-specific zoning regulations such as, but not limited to, maximum number of converted dwelling units, maximum number of parking spaces, minimum landscaped open space and limiting the range and mix of uses within the building such that they do not exceed the available parking may be applied to ensure that the future re-use of the existing structure meets this objective.</u></p> <p>175-199 ANN STREET AND 84-86 ST. GEORGE STREET</p> <p>1038A-C In the Neighbourhoods Place Type at 175-199 Ann Street and 84-86 St. George Street, the lands located within the High Density Residential Overlay (from 1989 Official Plan) are appropriate for a greater intensity of development. Heights in excess of 12 storeys may be permitted on these lands through a bonus zone, where the Evaluation Criteria for Planning and Development Applications and the Bonus Zoning policies of this Plan can be met. Development along the St. George Street frontage will include a significant step back to provide a low-rise character that is consistent with the streetscape.</p>	
Map 8	703 (September 4, 2019)	Map 8 – Community Improvement Project Areas – of The London Plan is amended to add the Lambeth Area Community Improvement Project Area.	<p>The purpose of OPA No. 703 is to adopt and add the Lambeth Area Community Improvement Plan in the 1989 Official Plan and The London Plan.</p> <p>The Lambeth Area Community Improvement Project Area is bounded by the Clayton Walk and Malpass Road subdivisions north of Kilbourne Road and west of Colonel Talbot Road, and the future Kilbourne Road extension to the Dingman Creek corridor to the north, the Dingman Creek corridor to the east, Greenhills Country Club to the south, and Dingman Creek to the west.</p> <p>A proposed amendment to The London Plan was withheld as Map 8 was under appeal.</p>
1073B (New)	708 (November 4, 2019)	1. A new specific policy for the Neighbourhoods Place Type of	OPA No. 708 is intended to permit the existing industrial uses in the existing buildings

		<p>The London Plan is added as follows:</p> <p><u>585 THIRD STREET</u></p> <p><u>1073B In the Neighbourhoods Place Type at 585 Third Street, in addition to the uses permitted in the Neighbourhoods Place Type, a building or contracting establishment, service trade, and support office may be permitted as well as a warehouse in association with a permitted use with no outdoor storage for the permitted uses.</u></p> <p>2. Map 7 of The London Plan will be amended by adding a specific policy area for the lands located at 585 Third Street, through a future housekeeping amendment at a later date.</p>	<p>at 585 Third Street until such time as the subject lands can be redeveloped for residential uses as intended in the Low Density Residential designation under the 1989 Official Plan and the Neighbourhoods Place Type under The London Plan.</p> <p>A proposed amendment to The London Plan was withheld as the Neighbourhoods Place Type policies were not in force and effect due to appeals to the Local Planning Appeal Tribunal.</p>
<p>864D (New)</p>	<p>712 (November 29, 2019)</p>	<p>1. Specific Policies for the Rapid Transit and Urban Corridors Place Type of The London Plan are amended and read by adding a new policy as follows:</p> <p><u>676-700 BEAVERBROOK AVENUE AND 356 OXFORD STREET WEST</u></p> <p><u>864D In the Rapid Transit Corridor Place Type located at 676-700 Beaverbrook Avenue and 356 Oxford Street West, a maximum height of 18 storeys (62 metres) will be permitted only in combination with the approved regulations and elevations tied to the approved bonus zone.</u></p> <p>2. Map 7 of The London Plan will be amended by adding a specific policy area for the lands located at 676-700 Beaverbrook Avenue and 356 Oxford Street West, through a future housekeeping amendment at a later date.</p>	<p>The purpose of OPA No. 712 is to permit a maximum gross floor area of 4,000m<sup>2</sup> for office uses on the lands located at 676-700 Beaverbrook Avenue and 356 Oxford Street West.</p> <p>Although the lands are within the Rapid Transit Corridor and Neighbourhoods Place Types, these lands are interpreted as Rapid Transit Corridor Place in accordance with Policies 833 to 835, which encourage lot assembly. As the proposed development exceeds the maximum permitted height of 16 storeys within the Rapid Transit Corridor Place Type by 2 storeys (18 storeys total), a specific policy to The London Plan was considered.</p>

## Appendix D – Public Engagement

### Community Engagement

**Public liaison:** On February 19, 2020, Notice of Application was sent to applicants and agents for approved official plan amendments reflected in this amendment. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on February 20, 2020. A “Planning Application” sign was also posted on the site.

Six (6) replies were received.

**Nature of Liaison:** The City has initiated an official plan amendment which is of housekeeping nature to the London Plan. This amendment is to correct errors and omissions in the Plan and make updates to reflect council approved amendments to the 1989 Official Plan since the London Plan’s approval. The intention is to improve clarity and consistency on the overall policies and mapping throughout the London Plan. The errors and omissions have been identified throughout the London Plan. They include typographical and grammatical errors and inconsistencies in spacing and punctuation. Minor changes to certain policies, figures, and maps are necessary to refine wording and formatting. The amendments to the 1989 Official Plan, which were approved since the London Plan’s approval and are in full force, have been reviewed. The amendments should be incorporated in the London Plan to reflect Council’s decisions pertaining to those applications. The following amendments require modifications to certain policies and maps in the London Plan, primarily new policies for specific areas in certain Place Types:

- a) OPA No. 642 (240 Waterloo Street and 358 Horton Street East)
- b) OPA No. 646 (Beaufort/Irwin/Gunn/Saunby (BIGS) Neighbourhood Secondary Plan)
- c) OPA No. 647 (21 Wharnccliffe Road South)
- d) OPA No. 650 (1577 and 1687 Wilton Grove Road)
- e) OPA No. 651 (1448 Adelaide Street North)
- f) OPA No. 653 (Outdoor patio regulations for Light Industrial Place Type)
- g) OPA No. 658 (633, 635, 637, 645, 649, 651 and 655 Base Line Road East)
- h) OPA No. 662 (1175, 1185, 1195, 1205 and 1215 Fanshawe Park Road West and 2151 Dalmagarry Road)
- i) OPAs No. 663 and No. 664 (100, 335 and 353 Kellogg Lane, 1063, 1080, 1097 and 1127 Dundas Street, 1151 York Street)
- j) OPA No. 666 (379 Sunningdale Road West)
- k) OPA No. 669 (Brydges Street Area)
- l) OPA No. 670 (1235-1295 Fanshawe Park Road West)
- m) OPA No. 671 (2150 Oxford Street East)
- n) OPA No. 672 (1176, 1200 and 1230 Hyde Park Road)
- o) OPA No. 674 (Hamilton Road CIP Area)
- p) OPA No. 675 (Archaeological Management Plan)
- q) OPA No. 677 (Temporary zoning for surface parking in Downtown)
- r) OPA No. 681 (335-385, 340-390 Saskatoon Street)
- s) OPA No. 683 (Expansion of Downtown CIP Area)
- t) OPA No. 684 (661-675 Wharnccliffe Road South)
- u) OPA No. 688 (3080 Bostwick Road, Site 1)
- v) OPA No. 689 (3080 Bostwick Road, Site 5)
- w) OPA No. 691 (470 Colborne Street)
- x) OPA No. 698 (Richmond Street-Old Masonville)
- y) OPA No. 703 (Lambeth CIP Area)
- z) OPA No. 708 (585 Third Street)
- aa) OPA No. 710 (1339-1347 Commissioners Road West)
- bb) OPA No. 711 (3234, 3263 and 3274 Wonderland Road South)
- cc) OPA No. 712 (676-700 Beaverbrook Avenue and 356 Oxford Street West)
- dd) OPA No. 713 (2497-2591 Bradley Avenue)
- ee) OPA No. 714 (1875 Wharnccliffe Road South)

**Responses:** Four comments requested additional information and clarification on specific OPAs. One comment expressed no objection to the application. The other one demonstrated that the inclusion of a specific OPA is not necessary in The London Plan.

**Responses to Public Liaison Letter and Publication in “The Londoner”**

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**Agency/Departmental Comments**

London Hydro – February 27, 2020

London Hydro has no objection to this City of London initiated official plan amendment which is of housekeeping nature to The London Plan. Any new or relocation of the existing service will be at the expense of the owner.

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee

**From:** Gregg Barrett  
Director, City Planning and City Planner

**Subject:** Amend Section 4.11 (Household Sales) in Zoning By-law Z-1  
City of London

**Public Participation Meeting on: July 15, 2020**

## Recommendation

That, on the recommendation of the Director, City Planning and City Planner, the following actions be taken with respect to the application by the City of London relating to a City-wide review to permit the sale of agricultural products grown on a premises:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on July 21, 2020 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to amend Section 4.11(Household Sales) to permit the sale of agricultural products.

## Executive Summary

### Purpose and Effect of Recommended Action

The proposed zoning by-law amendment would amend Section 4.11 (Household Sales) of Zoning By-law Z-1 to allow residents to sell produce grown on their properties within the Urban Growth Boundary up to 20 times a year. This will implement actions identified in the Urban Agriculture Strategy, adopted by Council in November 2017, to make locally grown food more readily available to the general public.

### Rationale of Recommended Action

1. The recommended amendment to Zoning By-law Z.-1 is consistent with the Provincial Policy Statement (2014).
2. The recommended amendment to Zoning By-law Z.1 conforms to the 1989 Official Plan and to The London Plan, including the policies of the Food Systems chapter, and provides for appropriate uses on these sites.
3. The recommended amendment to Zoning By-law Z-1 will allow sales of agricultural products from premises that have a dwelling unit.
4. The zoning by-law amendment helps implement one of the goals of the Urban Agriculture Strategy to make fresh produce more available to the general public.

The recommended amendment to Zoning By-law Z.-1 will allow the sale of agricultural products grown on properties located within the Urban Growth Boundary to be sold by residents on the property.



## Analysis

### 1.0 Relevant Background

In the Farmland Place Type (The London Plan) and Agriculture designation (1989 Official Plan), which are applied outside the Urban Growth Boundary, retail sales of produce grown on the farm is allowed as an accessory use and normally takes the form of a roadside stand at the entrance to the farm. Farm markets, which sell a broader range of produce grown exclusively on the farm at a larger scale, and Farm Food Products Market, which sell a broader range of goods not necessarily grown on the farm also provide for direct retail sales.

The distribution of food that is grown within the Urban Growth boundary, is organized into three categories that include Farmers' Markets, Local Food Procurement and Direct Food Sales. These categories are described in the Urban Agriculture strategy and were identified by the community, through the preparation of that strategy. The first category, farmers' markets, provide opportunities where small-scale local growers and regional farmers can sell food and increase the accessibility of nutritious, fresh, healthy food for residents. The Urban Agriculture Strategy identified 12 farmers' markets in London. These are located on properties where retail sales are permitted, and include venues such as Covent Garden Market, Masonville Mall and Western Fair.



The second category, local food procurement encourages the purchasing of locally grown food by City organizations and businesses.

The third category is Direct Food Sales. This refers to opportunities for small-scale urban farmers to sell their produce directly to the public. The purpose of the recommended amendment is to support direct food sales in accordance with the Urban Agriculture Strategy.

### 2.0 Urban Agriculture Strategy

The Urban Agriculture Strategy was adopted by Council in November 2017. The Strategy identified five broad categories: growing, processing, distribution, food loss and recovery and education and connection as the basis of the Strategy. Under each category, community-identified priorities were described, and a series of actions were identified for these priorities. For each action, roles were identified for each of the partners (urban agriculture community, other organizations and City).

Under the Distribution/Direct Food Sales Section the specific action in the Strategy is to *“Investigate bylaw issues related to food sales on private property and community gardens.”* The Urban Agriculture Strategy identifies three possible options to increase Direct Food Sales; 1) Farmgate sales where produce grown on the property is sold at a

small stand, similar to a farm market in the agricultural area, 2) selling produce grown at community gardens on-site, and 3) broadening the definition and regulations for household/garage sales to allow homeowners to sell produce grown on the property more than twice a year.

The first option has been addressed through a zoning by-law amendment approved by Council on November 26, 2019 which added a new definition of “Farm Gate Sales” and added that use as a permitted use in the Urban Reserve (UR) Zone in Zoning By-law Z-1.

The second option has been discussed with Parks and Recreation staff, the sale of produce from community gardens. In reviewing this opportunity, it was determined that the sales of produce from community gardens would be inconsistent with the community garden principles and guidelines. Guideline #1802 states that it is prohibited to “*sell produce or flowers from the garden; however they may be traded or exchanged with other Gardeners.*” It is intended that there can be informal sharing of food between growers for individual use and consumption. These garden plots are individually used and are intended for personal use, not retail or commercial use.

However, there is an opportunity to allow the sale of produce on a temporary basis in City-owned parks. Part 4.1 of the Parks and Recreation Area By-law PR-2 describes “Activities prohibited-subject to approval”. Among those activities, it is prohibited to “*sell refreshments or other merchandise to the public;*” without approval. Approval can be granted from the Managing Director – Parks and Recreation, or a designate, taking into account a number of factors. Each request is considered on a case-by-case basis. As the temporary sales of agricultural products could be permitted in city parks subject to approval, no amendments to the by-law would be required.

### **3.0 Recommended Amendment**

This zoning by-law amendment specifically addresses the last option for Direct Food Sales within the “distribution” category of the Strategy.

In Zoning By-law Z-1, Household Sales (or Garage Sales) are permitted in association with any dwelling unit twice per year, not to exceed two days in duration. The sale of produce grown on a property that includes a dwelling unit had been determined to fall within the definition of a household sale, and was therefore subject to the limitations on frequency and duration of a household sale.

In discussions with By-law Enforcement, it was determined that no changes to the by-law would be required to allow the sales of produce grown on the property because what can be sold at a Household Sale is not defined, in other words, direct sale of food is permitted up to two times a year already. There is concern, however, that the limitation of only two sales per year is not consistent with the objective of the Urban Agriculture Strategy to support direct food sales on private property, as the wide variety of what could be grown and sold from a private garden could likely require more than two sales in a season. In addition, the harvesting of various fruits and vegetable happens at different times over a long period of time and this restriction may hinder the sale of some produce.

The recommended amendment to Section 4.11 (Household Sales) is to exempt the sale of agricultural produce grown on the property from maximum requirement of two sales per year, and to allow up to 20 such sales a year. This number of permitted sales would provide the opportunity to sell agricultural products grown on the premises through the growing season (mid-May to mid-October). These sale would still be limited to no more than two consecutive days, as is the case for household sales currently. The revised Section is included in the attached amendment.

The recommended amendment is consistent with Sections 1.1.5 (Building Strong Healthy Communities) and 2.3 (Wise Use and Management of Resources/Agriculture) of the 2014 Provincial Policy Statement.

City staff and the urban agricultural community are still reviewing the possibility of mobile markets, small-scale markets, neighbourhood market permits and food trucks to increase public access to fresh food.

**4.0 Public Comments**

The Notice of Application was sent February 5, 2020 and Londoner notice was provided on February 6, 2020. The City of London website also had the proposed amendment posted.

In response there were no comments received supporting or objecting to the proposed amendment.

**5.0 Conclusion**

The proposed zoning by-law amendment would amend Section 4.11 (Household Sales) of Zoning By-law Z-1 to allow residents to sell produce grown on their properties up to 20 times per year. This will implement actions identified in the Urban Agriculture Strategy, adopted by Council in November 2017, to make locally grown food more readily available to the general public.

The recommended amendment to Zoning By-law Z.-1 is consistent with the Provincial Policy Statement (2014). The recommended amendment to Zoning By-law Z.1 conforms to The London Plan, including the policies of the Food Systems chapter, and provides for appropriate uses on these sites.

<b>Prepared by:</b>	<b>W.J. Charles Parker, MA Senior Planner, Planning Policy</b>
<b>Submitted by:</b>	<b>Justin Adema, MCIP, RPP Manager, Planning Policy</b>
<b>Recommended by:</b>	<b>Gregg Barrett, AICP Director, City Planning and City Planner</b>
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning Services	

July 3, 2020

**Appendix A**

Bill No. (number to be inserted by Clerk's Office)  
2020

By-law No. Z.-1-18\_\_\_\_\_

A by-law to amend Section 4.11 of By-law No. Z.-1 to allow residents to allow residents to sell agricultural products grown on properties up to 20 times per year.

WHEREAS the Corporation of the City of London has applied to rezone the entire City, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

- 1) Section 4.11 (Household Sales) of the General Provisions is amended by deleting the existing Section and replacing it with the following:
  - ) No household sale shall be permitted except where a premises has a dwelling unit, and there shall not be more than two household sales per annum at one location and no such sale shall exceed two consecutive days in duration. The sale of agricultural products grown on the premises shall be permitted where the premises has a dwelling unit and there shall be not more than 20 household sales per annum at one location and no such sale shall exceed two consecutive days in duration.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on July 21, 2020.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – July 21, 2020  
Second Reading – July 21, 2020  
Third Reading – July 21, 2020

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee

**From:** George Kotsifas P. Eng.,  
Managing Director, Development & Compliance Services and  
Chief Building Official

**Subject:** Corporation of the City of London  
Part of 65 Brisbin Street

**Public Participation Meeting on:** July 15, 2020

## Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of the Corporation of the City of London relating to a part of the property located at 65 Brisbin Street:

- (a) Consistent with Policy 43\_1 of *The London Plan*, the subject lands, representing a part of 65 Brisbin Street, **BE INTERPRETED** to be located within the Neighbourhoods Place Type; and,
- (b) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting July 21, 2020 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** an Open Space (OS1) Zone, **TO** a Residential R2 (R2-2) Zone.

## Executive Summary

### Summary of Request

The requested amendment would permit residential uses, in addition to accessory and ancillary uses associated with a residential use, on the subject site.

### Purpose and the Effect of Recommended Action

The purpose and effect of this zoning change is to facilitate the severance, sale, and conveyance of a 74.8m<sup>2</sup> portion of city-owned lands at 65 Brisbin Street. The lands would subsequently be used as a private driveway associated with the residential use at 81 Brisbin.

### Rationale of Recommended Action

1. The proposed amendment is consistent with the PPS, 2020;
2. The proposed amendment conforms to the in-force policies of *The London Plan*;
3. The proposed amendment conforms to the in-force policies of 1989 Official Plan;
4. The proposed amendment represents good planning and removes a land use conflict between 81 Brisbin Street and 83 Brisbin Street; and
5. The proposed amendment facilitates functional improvements to the residential use at 81 Brisbin Street.

## Analysis

### 1.0 Site at a Glance

#### 1.1 Property Description

65 Brisbin Street is located in the Hamilton Road Planning District (*The London Plan*, Figure 19), in the residential neighbourhood bounded by Hamilton Road to the north, Highbury Avenue North to the east, the Thames River (South Branch) to the south, and Egerton Street to the west. The property is currently undeveloped and forms part of a



green space buffer between the residential uses on Brisbin Street and the linear parks along the north bank of Thames River (South Branch) and the Vauxhall Pollution Control Plant. The lands are city-owned and managed by Realty Services. The surrounding neighbourhood consists primarily of low-density residential uses. The vast majority of the neighbourhood's housing stock consists of one- or one-and-a-half storey dwellings with gabled roofs, clapboard siding, and parking areas located in the interior side yard. The dwelling at 81 Brisbin Street – built in 1952 – is exemplary of the prevailing style.

81 Brisbin Street has a lot area of 325.2m<sup>2</sup> and a lot frontage of 10.7m. The dwelling occupies approximately 7.5m (24.6 ft) of the lot frontage. There is 0.97m (3.2 ft) between the southeast corner of the dwelling and the southerly property line. This affords 81 Brisbin Street approximately 2.2m (7.2 ft) for parking on the north side of the property, whereas legal parking spaces under *Zoning By-law No. Z.-1* must have minimum dimensions of 2.7m by 5.5m.

## 1.2 Current Planning Information (see more detail in Appendix D)

- Official Plan Designation – Low Density Residential/Open Space
- *The London Plan* Place Type – Green Space
- Existing Zoning – Open Space (OS1) Zone

## 1.3 Site Characteristics

- Current Land Use – Public Park
- Frontage – 6.1 metres (20.0 feet)
- Depth – 15.4 metres (50.5 feet)
- Area – 74.8 square metres (805.1 square feet)
- Shape – Irregular

## 1.4 Surrounding Land Uses

- North – Low Density Residential
- East – Low Density Residential
- South – City-owned Parkland
- West – City-owned Parkland

Figure 1: Streetview Image of Part of 65 Brisbin Street and the existing dwelling 81 Brisbin Street, looking northwest from Brisbin Street.



Figure 2: Photo of existing parking area shared between 81 Brisbin Street (left) and 83 Brisbin Street (right).



1.5 LOCATION MAP



## 2.0 Description of Proposal

### 2.1 Development Proposal

The Applicant is requesting to sever and convey a 74.8m<sup>2</sup> part of 65 Brisbin Street (the “subject site”) for the purpose of constructing an off-street parking in association with the residential use at 81 Brisbin Street. The lands are anticipated to be delineated from the city-owned lands through the installation of a 1.5 metre high black chain-link fence.

## 3.0 Relevant Background

Figure 3: Conceptual Site Plan identifying the subject site at 65 Brisbin Street.



### 3.1 Planning History

Neither 65 Brisbin Street nor 81 Brisbin Street have previously been subject to a planning application.

On December 3, 2019 and subsequently on December 10, 2019, under File No. P-2357(1), the City of London’s Corporate Services Committee and Municipal Council respectively declared the subject site surplus. A formal request to purchase a portion of the city-owned lands was made on August 30, 2019. The December 3 report to Corporate Services Committee notes:

“The property owner of 81 Brisbin Street advised that the proposed lands are required to replace an illegal driveway at the north end of his property. The owner was issued a citation from the adjoining owner to cease encroaching and using the lands as a driveway.”

Municipal Council declared the property surplus to the needs of the City and authorized the sale of the lands at fair market value in accordance with the City’s Sale and Other Disposition of Land Policy. The sale of the lands were made conditional on the completion of a Stage 1 and Stage 2 Archaeological Assessment, the rezoning of the lands to a Residential Zone, and the erection of a 1.5 metre high black chain-link fence on the new south limits of the lands.



### 3.2 Requested Amendment

The requested amendment would rezone a 74.8m<sup>2</sup> part of 65 Brisbin Street from an Open Space (OS1) Zone to a Residential R2 (R2-2) Zone. The existing range of permitted uses under the Residential R2 (R2-2) Zone would apply to the site. They include single detached dwellings, semi-detached dwellings, duplex dwellings, and converted dwellings. In addition, accessory and ancillary uses, such as parking, would be permitted on the subject site. No new special provisions are being requested. The lands would continue to be regulated by the parking regulations of Section 4.19 of the *Zoning By-law*.

### 3.3 Community Engagement (see more detail in Appendix B)

Notice of Application was sent to property owners in the surrounding area on May 28, 2020 and published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on the same date.

One (1) telephone call was received from the neighbouring property at 83 Brisbin Street. The respondent voiced concerns with the loss of open green space and possible impacts on nearby trees, and noted their desire to see fencing separating public lands from private property.

### 3.4 Policy Context (see more detail in Appendix C)

#### ***Provincial Policy Statement***

The *Provincial Policy Statement, 2020* (“PPS”) provides policy direction on matters of provincial interest related to land use planning and development. All decisions affecting land use planning matters shall be “consistent with” the policies of the PPS.

Section 1.1 *Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns* of the PPS encourages healthy, livable and safe communities which are sustained by accommodating an appropriate range and mix of residential, employment and institutional uses to meet long-term needs. It directs cities to make sufficient land available to accommodate this range and mix of land uses to meet projected needs for a time horizon of up to 20 years.

The PPS recognizes the critical role park and open space uses play in promoting healthy and active communities. Specifically, the PPS directs municipalities to plan and provide for a full range and equitable distribution of publicly accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources (1.5.1b)).

#### ***The London Plan***

*The London Plan* is the new Official Plan for the City of London (Council adopted, approved by the Ministry with modifications, and the majority of which is in force and effect). *The London Plan* policies under appeal to the *Local Planning Appeals Tribunal* (Appeal PL170100) and not in force and effect are indicated with an asterisk throughout this report. *The London Plan* policies under appeal are included in this report for informative purposes indicating the intent of City Council, but are not determinative for the purposes of this planning application.

The lands are located in the Green Space Place Type on \*Map 1 – Place Types. The Green Space Place Type applies to lands forming part of the City’s Natural Heritage System, the parks and open space system, hazard lands, and natural resources. These lands are contemplated for use as public parks and recreational areas, private open spaces, and the natural areas, including the linear corridor along the South Thames River.

The lands to the north at 81 Brisbin Street are located in the Neighbourhoods Place Type with frontage on a Neighbourhood Street (Brisbin Street), as identified on \*Map 1 – Place Types and \*Map 3 – Street Classifications respectively. At this location, *The London Plan* contemplates a range of low-rise residential uses, including single

detached dwellings, semi-detached dwellings, duplex, converted dwellings, townhomes, secondary suites, home occupations, and group homes (*The London Plan*, \*Table 10). *The London Plan* contemplates a maximum building height of two-and-a-half storeys (*The London Plan*, \*Table 11).

In addition to the range of primary and secondary uses contemplated at \*Table 10, *The London Plan* contemplates accessory and ancillary uses, buildings or structures that are incidental, subordinate and exclusively devoted to the main use and carried on with such main use, building or structure on the same lot (*The London Plan*, \*Glossary of Terms). Accessory and ancillary uses include off-street parking facilities which serve the primary residential use (in this instance a single detached dwelling). \*Policy 272\_ of *The London Plan* directs that parking areas be strategically located to minimize associated impacts on the public realm, and that surface parking in particular should be located in the rear yard or interior side yard.

### **1989 Official Plan**

The northernmost portion of 65 Brisbin Street, which is the focus of this application, is located within the Low Density Residential (“LDR”) designation on Schedule “A” – Land Use with frontage on a Local Street (Brisbin Street) on Schedule “C” – Transportation Corridors in the ‘89 *Plan*. The LDR designation contemplates low-rise residential uses, including single detached dwellings, semi-detached dwellings, and duplex dwellings (Section 3.2.1.). The Transportation Objectives in the ‘89 *Plan* indicate that motor vehicle and bicycle parking facilities are to be adequate for the uses they support, appropriately located, and compatible with adjacent land uses (Section 18.1 ix)).

The southernmost portion of 65 Brisbin Street is located within the Open Space designation on Schedule “A” – Land Use in the ‘89 *Plan*. The Open Space designation is comprised of a range of public and private open spaces and natural space, including flood plain lands, lands susceptible to erosion and unstable slopes, natural heritage areas recognized by Council as having city-wide, regional, or provincial significance, lands that contribute to important ecological functions, and lands containing other natural physical features which are desirable for open space use or preservation in a natural state (8A.2.). Permitted uses generally include public open space uses including district, city-wide, and regional parks, and private open space uses such as cemeteries and private golf courses (8A.2.2.). Policies in the ‘89 *Plan* encourage public access to lands within the Open Space designation where such access will not have a negative effect on the natural features or ecological functions of the area (8A.2.3.i)). The southern portion of 65 Brisbin Street is outside of the area subject to this zoning amendment and subsequent severance.

### **Zoning By-law Z-1**

The subject site is zoned Open Space (OS1). The zone variation is applied to City and private parks with few or no structures. The OS1 Zone permits conservation lands, conservation works, cultivation of land for agricultural/horticultural purposes, golf courses, private parks, public parks, recreational golf courses, recreational buildings associated with conservation lands and public parks, campground and managed forests. Under the existing zone, residential uses and accessory or ancillary uses to residential uses are not permitted.

The applicant is requesting to rezone the lands to a Residential R2 (R2-2) Zone. The R2 Zone provides for and regulates low density residential development, including single detached dwellings, semi-detached dwellings, duplex dwellings, converted dwellings (maximum 2 dwelling units).

### **Hamilton Road Area Community Improvement Plan**

The *Hamilton Road Area Community Improvement Plan* (the “CIP”) endeavours to prioritize city-led initiatives and incentives in support of creating “an attractive destination in London filled with heritage, diverse local businesses and multicultural restaurants, as well as a safe and welcoming neighbourhood” (Hamilton Road Area

Community Improvement Plan, Section 2). The immediate neighbourhood formed part of the extended study area for the *CIP*, but not within the *CIP* Area. However, the *CIP* notes the important role Neighbourhoods and Parks play in support the regeneration of the Hamilton Road corridor.

## 4.0 Key Issues and Considerations

### 4.1 Issue and Consideration #1 – Use

#### *The London Plan*

The subject lands are located in the Green Space Place Type with frontage on a Neighbourhood Street, as identified on \*Map 1 – Place Types. The Green Space Place Type is composed of Natural Heritage Features and Areas, Natural and Human-made Hazards, Natural Resources, Public Parkland, and Private lands relating to such things as cemeteries, outdoor recreational centres and golf courses (760\_). Accordingly, residential land uses, in addition to accessory or ancillary uses associated with a residential use, are not contemplated in this place type.

*The London Plan* grants Council flexibility in interpreting the exact boundaries between place types where boundaries do not coincide with physical features (such as streets, railways, rivers or streams) (43\_1.). *The London Plan* considers minor departures advisable and reasonable where such an interpretation is consistent with the PPS, is consistent with *The London Plan*, and represents good planning (43\_) (see evaluation of these criteria below). As there are no physical boundaries between the Open Space Place Type and the Neighbourhoods Place Type, it is requested that Council interpret the part of 65 Brisbin Street subject to this application to be within the \*Neighbourhoods Place Type on \*Map 1 – Place Types.

In the Neighbourhoods Place Type, *The London Plan* contemplates a range of low-rise residential uses, including single detached dwellings, semi-detached dwellings, duplex, converted dwellings, townhomes, secondary suites, home occupations, and group homes (*The London Plan*, \*Table 10). *The London Plan* contemplates a maximum building height of two-and-a-half storeys (*The London Plan*, \*Table 11).

*The London Plan* also contemplates accessory and ancillary uses, buildings or structures that are incidental, subordinate and exclusively devoted to the main use and carried on with such main use, building or structure on the same lot within the Neighbourhoods Place Type (*The London Plan*, \*Glossary of Terms). Within the \*Neighbourhoods Place Type, accessory and ancillary functions include parking facilities (929\_). Interpreting the lands to be located in the \*Neighbourhoods Place Type would permit the recommended rezoning and facilitate the development of a parking space in association with the residential use at 81 Brisbin Street.

#### Criteria 1: Consistent with the PPS, 2020

The PPS regards managing and directing land use to achieve efficient and resilient development and land use patterns as integral. This includes the wise use of land and resources, the promotion of efficient development patterns, the protection of resources, the promotion of green spaces, the effective use of infrastructure and public service facilities, and the minimizing unnecessary public expenditures (1.0).

The PPS states that healthy, liveable and safe communities are sustained by accommodating an appropriate range and mix of residential types (including single-detached), employment, institutional, recreation, and park and open space uses (1.1.1b)). Land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources, and are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available (1.1.3.2 a) & 1.1.3.2 b)).

In particular, park and open space uses play a critical role in settlement areas in promoting healthy and active communities. The PPS directs municipalities to plan and

provide for a full range and equitable distribution of publicly accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources (1.5.1b)). Public spaces and facilities are to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity (1.5.1a)). Where possible, public spaces, parks, trails and open spaces should provide opportunities for public access to shorelines (1.5.1c)).

The requested amendment is consistent with building strong communities and represents a wise use and management of city-owned resources. Although the lands are currently in use as passive open space, permitting residential uses will not detract from the natural setting or recreational potential of the remainder of 65 Brisbin Street. In addition, the requested amendment will contribute to a development pattern within a settlement area which efficiently uses land and resources, and are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available by improving the functionality of the existing residential use at 81 Brisbin Street.

### Criteria 2: Consistent with *The London Plan*

*The London's Plan* Key Directions promote creating healthy and complete communities that are well serviced by park and open space facilities. Relevant Key Directions to the requested amendment include:

58\_ Direction #4 – Become one of the greenest cities in Canada:

10. Continually expand, improve, and connect our parks resources.

61\_ Direction #7 – Build strong, healthy and attractive neighbourhoods for everyone:

2. Design complete neighbourhoods by meeting the needs of people of all ages, incomes and abilities, allowing for aging in place and accessibility to amenities, facilities and services.

62\_ Direction #8 – Make wise planning decision:

8. Avoid current and future land use conflicts – mitigate conflicts where they cannot be avoided.
9. Ensure new development is a good fit within the context of an existing neighbourhood.

*The London Plan* also directs all planning decisions consider the “big picture” and long-term consequences, in addition to the short-term and site-specific implications (62\_3). Big picture and long-term consequences have been considered in the review of this application to rezone a portion of city-owned green space. As stated above, Direction #4 in *The London Plan* calls on London to become one of the greenest cities in Canada by continually expanding, improving, and connecting our parks resources. Despite the foregoing, this area is well served by green space given its proximity to the Thames River corridor and the disposition of 74.8m<sup>2</sup> of city-owned parkland which is presently passive and serves as a buffer is not anticipated to be detrimental to the city’s linear corridor along the South Thames River. The retention of the vast majority of 65 Brisbin Street protects city-owned green space should future linkages or green space enhancements be contemplated on the remaining portion of 65 Brisbin Street. In addition, the City’s Parks and Recreation Services Department and Site Plan division did not note concerns regarding the location of the driveway or negative impacts on nearby trees and vegetation, nor was a Tree Protection Plan listed as a required submission for a complete application.

### Criteria 3: Represents Good Planning

With respect to short-term and site-specific implications, 81 Brisbin Street has long functioned without a lawfully established parking area. Accordingly, the applicable zoning and building laws at the time the single detached dwelling was constructed apply to the lands and the existing parking facilities are allowed to continue notwithstanding the minimum parking requirements under the current zone.

Despite the legal non-conforming condition of the existing site layout, the potential to create impacts exists on adjacent properties, including but not limited to traffic and access impacts, on-streets parking impacts, and impacts on the abutting property's portion of the mutual driveway. Furthermore, as previously noted, the December 3 report to the Corporate Services Committee highlighted issues related to encroachment on neighbouring properties.

Figure 4: The existing shared driveway, looking west toward 81 and 83 Brisbin Street. The residents have painted a white line on the driveway demarcating ownership.



Interpreting the 74.8m<sup>2</sup> portion of 65 Brisbin Street to be within the Neighbourhoods Place Type would improve how 81 Brisbin Street functions and serves its residents, in addition to alleviating neighbouring property conflicts. In particular, the property would have appropriate off-street parking facilities associated with the main residential use and provide for a site layout that promotes safe movement between the site for pedestrians, cyclists, and motorists (\*255\_). The requested amendment would also mitigate existing land use conflicts between 81 and 85 Brisbin Street. Lastly, side yard parking is prevalent along Brisbin Street. The creation of off-street parking at 81 Brisbin Street represents a good fit within the context of the existing neighbourhood.

Given that the requested amendment is consistent with the *PPS*, is consistent with *The London Plan*, and represents good planning, Staff recommend Council interpret the 74.8m<sup>2</sup> part of 65 Brisbin Street as being located in the Neighbourhoods Place Type.

#### *Official Plan*

The primary permitted uses of the Low Density Residential ("LDR") designation include single detached, semi-detached, and duplex dwellings (3.2.1). Similar to the \*Neighbourhoods Place Type, the LDR designation contemplates uses that are subordinate to the permitted uses at Section 3.2.1.

Section 19.1.1.i) of the 1989 *Official Plan* provides Council with similar powers of interpretation outlined above and contained within *The London Plan*. Council may permit minor departures from such boundaries on Schedule "A" - the Land Use Map if it is of the opinion that the general intent of the Plan is maintained, that the departure is

advisable and reasonable, and where a land use boundary does not coincide with a physical feature (which would require an Official Plan amendment).

In this instance, the part of 65 Brisbin Street requested to be rezoned is located within the LDR designation. As residential uses are contemplated on the subject site, Staff are not requesting Council use its power of interpretation

#### 4.2 Issues and Considerations #2 – Parking

The requested amendment would facilitate the construction of a parking area in association with 81 Brisbin Street. The future parking area will be subject to the existing policy and regulatory framework. *The London Plan's* City Building Policies speak to the impact of parking facilities on the public realm. Policies encourage minimizing the visual impact of surface parking by screening and locating surface parking areas in the rear yard or interior side yard (\*272\_). Additional policies relate to the location, configuration, and size of parking areas, which are anticipated to support the planned vision of the Neighbourhoods Place Type and enhances the experience of pedestrians, transit-users, cyclists, and drivers (\*270\_). Meanwhile, the *1989 Official Plan's* Transportation Objective calls for parking facilities that are appropriately located, adequate for the uses that they support, and compatible with adjacent land uses (Section 18.1(ix)).

The future construction of a parking area on the subject site will be regulated by the in-force and effect parking regulations under Section 4.19 of the *Zoning By-law* and City of London's *Street By-law*. These regulations include minimum and maximum requirements which control, among other things, the location and size of the parking area and the number of parking spaces. No special provisions are requested.

The current shared parking configuration has caused land use conflict between the properties at 81 and 83 Brisbin Street. As Figure 4 indicates, the narrow parking area afforded to 81 Brisbin Street has been a longstanding condition. The December 3, 2019 report to the Corporate Services Committee hints at the conflicts resulting from the shared driveway:

“The property owner of 81 Brisbin Street advised that the proposed lands are required to replace an illegal driveway at the north end of his property. The owner was issued a citation from the adjoining owner to cease encroaching and using the lands as a driveway.”

At present, the narrow parking area has caused functional issues between neighbouring properties. Anecdotally, it has also resulted in the overflow of parking on a public street which, given the location of the dwelling near the turning circle at the end of Brisbin Street, can impact traffic from Brisbin Street, in particular fire and garbage trucks.

*The London Plan* directs all development applications be evaluated with potential impacts on adjacent and nearby properties in mind (\*1578\_6.). Impacts such as traffic and access management and parking on streets or adjacent properties were considered in the review of the request rezoning. Managing and mitigating these impacts are vital. In addition to consistency with the *PPS*, conformity with *The London Plan* and the *1989 Official Plan*, Staff endeavour to ensure that functional impacts spurred by lot fabric and configuration resulting in the inability to adequately accommodate parking is brought to an end for the benefit of both properties.

## 5.0 Conclusion

The recommended amendment is consistent with the Provincial Policy Statement, 2020, and is in conformity with the in-force and effect policies of *The London Plan* and the in-force and effect policies of the 1989 Official Plan. The recommended amendment will facilitate the continued use of passive space on the majority of the subject lands while allowing for the residential use at 81 Brisbin Street to function appropriately in a manner that is consistent the residential character of the neighbourhood.

<b>Prepared by:</b>	<b>Daniel Hahn Planner I, Development Services</b>
<b>Recommended by:</b>	<b>Paul Yeoman, RPP, PLE Director, Development Services</b>
<b>Submitted by:</b>	<b>George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief building Official</b>
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services.	

July 3, 2020

cc: Michael Tomazincic, MCIP, RPP, Manager, Current Planning

## Appendix A

Bill No. (number to be inserted by Clerk's Office)  
2020

By-law No. Z.-1-20\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to  
rezone an area of land located at a part  
of 65 Brisbin Street.

WHEREAS the Corporation of the City of London has applied to rezone an area of land located at a part of 65 Brisbin Street, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at a part of 65 Brisbin Street, as shown on the attached map comprising part of Key Map No. A108, from an Open Space (OS1) Zone to a Residential R2 (R2-2) Zone.

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on July 21, 2020.

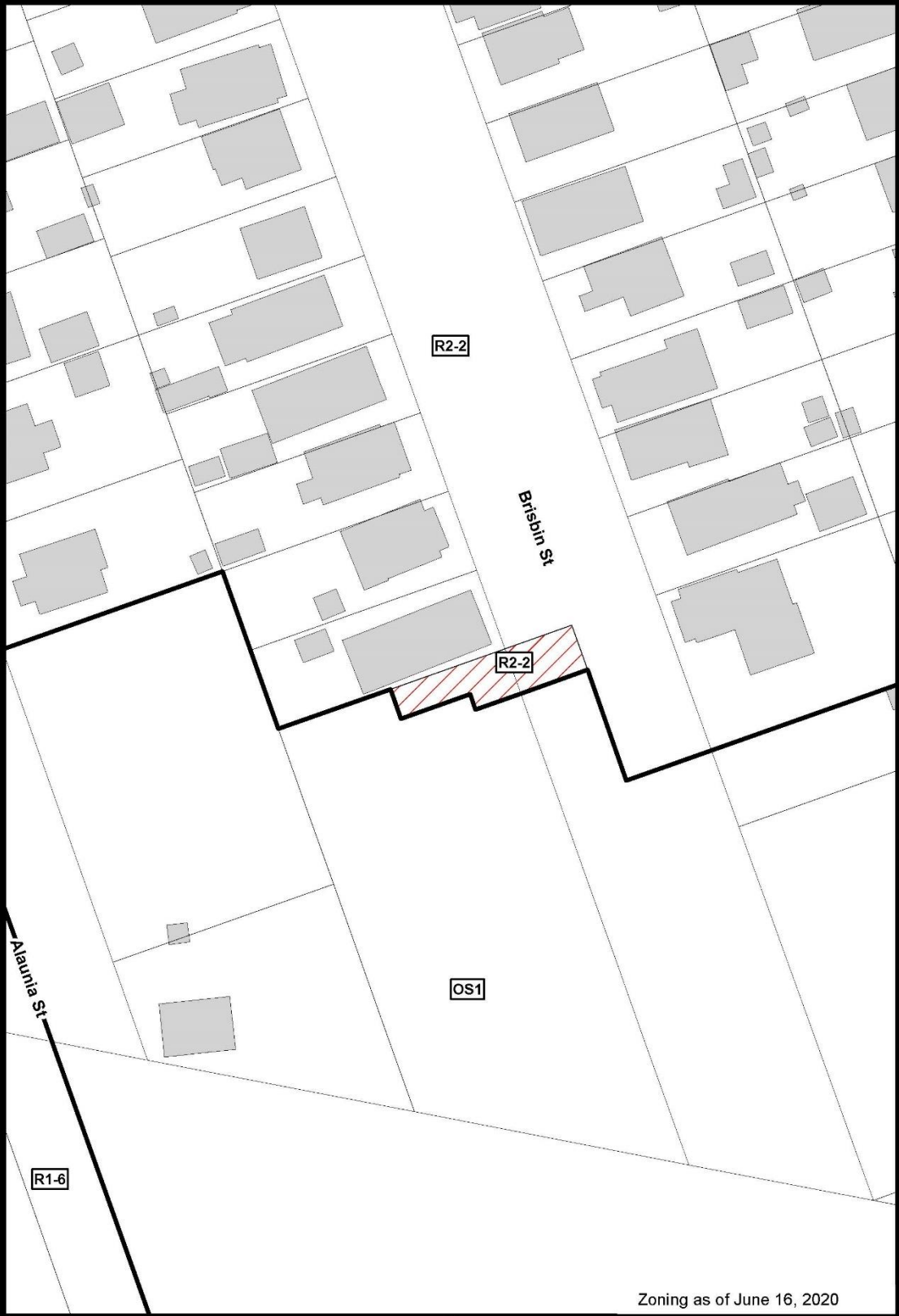


Ed Holder  
Mayor


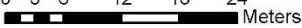

Catharine Saunders  
City Clerk

First Reading – July 21, 2020  
Second Reading – July 21, 2020  
Third Reading – July 21, 2020

AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



Zoning as of June 16, 2020

<p>File Number: Z-9195 Planner: DH Date Prepared: 2020/07/02 Technician: RC By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:600</p> <p>0 3 6 12 18 24 Meters </p> <p></p>
--	---

## Appendix B – Public Engagement

### Community Engagement

**Public liaison:** On May 28, 2020, Notice of Application was sent to 78 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on May 28, 2020.

1 reply was received

**Nature of Liaison:** The purpose and effect of this zoning change is to permit a portion of city-owned lands at 65 Brisbin Street to be severed and consolidated with 81 Brisbin Street and subsequently used as a driveway. Possible change to Zoning By-law Z.-1 **FROM** an Open Space (OS1) **TO** a Residential R2 (R2-2) Zone to permit a driveway associated with a residential use.

**Responses:** A summary of the various comments received include the following:

**Concern for:**

*Loss of open green space, impacts on trees, and need for legibility between public and private space:*

Concern regarding the construction of a driveway will result in the loss of city-owned green space. Concerns the construction of a private driveway may impact public access to nearby city-owned trees. The respondent noted the area is a common area where children play and owners bring their dogs and is concerned the rezoned portion will be indistinguishable from the remaining city-owned lands if a fence is not erected on the new south limits. The respondent voiced displeasure with how the sale of the lands proceeded, suggesting both her and the previous landowner inquired about the sale of the lands and were rebuffed.

### Responses to Public Liaison Letter and Publication in “The Londoner”

Telephone	Written
Elizabeth Naismith 83 Brisbin Street London, ON N5Z 2L7	None

### Agency/Departmental Comments

April 20, 2020: London Hydro

Servicing the above proposal should present no foreseeable problems. Any new and/or relocation of existing infrastructure will be at the applicant's expense, maintaining save clearances from L.H. infrastructure is mandatory. **Note:** Transformation lead times are minimum 16 weeks. Contact the Engineering Dept. to confirm requirements & availability.

London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. Any new or relocation of the existing service will be at the expense of the owner.

May 5, 2020: Heritage

**To:** Daniel Hahn, Planner I  
**From:** Laura E. Dent, Heritage Planner  
**Date:** May 5, 2020  
**Re:** Archaeological Assessment – Complete  
Application Requirements  
Part of 65 Brisbin Street (Z-9195)  
Development Services Heritage Comments

This memo is to confirm that I have reviewed the following and find the report's (analysis, conclusions and recommendations) to be sufficient to fulfill the archaeological assessment for complete application requirements (Z-9195):

- Amick Consulting Limited. *Stage 1-2 Archaeological Property Assessment 81 Brisbin Street [...] City of London, County of Middlesex* (P058-1806-2019), November 1, 2019.

Please be advised that heritage planning staff recognizes the summary of the report that states that: "[a]s a result of the Stage 2 Property Assessment of the study area the entire study area was determined to be disturbed and composed of fill material and no archaeological resources were encountered. Consequently, the following recommendations are made (p2):

1. No further archaeological assessment of the study area is warranted;
2. The Provincial interest in archaeological resources with respect to the proposed undertaking has been addressed;
3. The proposed undertaking is clear of any archaeological concern."

As Ontario Ministry of Heritage, Sport, Tourism, Culture Industries (MHSTC) archaeological assessment compliance letter has also been received, dated April 6, 2020 (MTCS Project Information Form Number P058-1806-2019).

Archaeological requirements can be considered satisfied for the application.

Sincerely,

Laura E. Dent

Development Services  
Heritage Planner  
M.Arch, PhD, MCIP, RPP

May 6, 2020: Engineering Comments

**From:** Lambert, Brent  
**Sent:** Wednesday, May 6, 2020 11:26 AM  
**To:** Hahn, Daniel <[dhahn@london.ca](mailto:dhahn@london.ca)>  
**Cc:** Abushehada, Ismail <[iabusheh@london.ca](mailto:iabusheh@london.ca)>  
**Subject:** 81 Brisbin Ave - Z 9195

Hi Daniel,

Engineering has no objections to the re-zoning application.

As part of a future development application, the Owner shall ensure the driveway complies with our Streets by-law.

**Brent Lambert, C.E.T.**  
Senior Engineering Technologist  
Development Services  
City of London

300 Dufferin Ave., London ON N6A 4L9  
P: 519.661.CITY(2489) x 4956  
[blambert@london.ca](mailto:blambert@london.ca) | [www.london.ca](http://www.london.ca)

May 20, 2020: Upper Thames River Conservation Authority

The Upper Thames River Conservation Authority (UTRCA) has reviewed this application with regard for the policies in the *Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006)*. These policies include

regulations made pursuant to Section 28 of the *Conservation Authorities Act*, and are consistent with the natural hazard and natural heritage policies contained in the *Provincial Policy Statement (2014)*. The *Upper Thames River Source Protection Area Assessment Report* has also been reviewed in order to confirm whether these lands are located in a vulnerable area. The Drinking Water Source Protection information is being disclosed to the Municipality to assist them in fulfilling their decision making responsibilities under the *Planning Act*.

#### **CONSERVATION AUTHORITIES ACT**

The subject lands **are not** affected by any regulations (Ontario Regulation 157/06) made pursuant to Section 28 of the *Conservation Authorities Act*.

#### **DRINKING WATER SOURCE PROTECTION: Clean Water Act**

The subject lands have been reviewed to determine whether or not they fall within a vulnerable area (Wellhead Protection Area, Highly Vulnerable Aquifer, and Significant Groundwater Recharge Areas). Upon review, we can advise that the subject lands **are** within a vulnerable area. For policies, mapping and further information pertaining to drinking water source protection, please refer to the approved Source Protection Plan at: <https://www.sourcewaterprotection.on.ca/approved-source-protection-plan/>

#### **RECOMMENDATION**

As indicated, the subject lands are not regulated by the UTRCA and a Section 28 permit application will not be required. The UTRCA has no objections to this application.

June 24, 2020: Conseil scolaire Viamonde

**From:** planification [<mailto:planification@csviamonde.ca>]

**Sent:** Wednesday, June 24, 2020 11:50 AM

**To:** Serrano, Ania <[ASerrano@London.ca](mailto:ASerrano@London.ca)>

**Subject:** [EXTERNAL] RE: [EXTERNE] - Z-9195 Notice of Public Meeting - Part of 65  
Brisbin Street - City of London c/o Marshall Mayne (WARD 1) - Planner: Daniel Hahn

Good Morning,

The Conseil scolaire Viamonde has no comments or objection to the further processing of this application.

Regards,

**Kenny Lamizana**

Agent de Planification, Secteur de l'immobilisation, de l'entretien et de la planification  
Planning Officer, Building, Maintenance and Planning Department  
Conseil Scolaire Viamonde | 116 Cornelius Parkway, Toronto, ON M6L 2K5

## Appendix C – Policy Context

The following policy and regulatory documents were considered in their entirety as part of the evaluation of this requested land use change. The most relevant policies, by-laws, and legislation are identified as follows:

### Provincial Policy Statement, 2020:

1.0, 1.1.1, 1.1.1 b), 1.1.3.2 a), 1.1.3.2 b), 1.5.1 b), 1.5.1 c)

### The London Plan:

43\_, 43\_1., 58\_10., 61\_2., 62\_3., 62\_8., 62\_9., \*255\_, \*270\_, \*272\_, 760\_, 929\_, \*Table 10, \*Table 11, \*Glossary of Terms, \*Map 1, \*Map 3.

### 1989 Official Plan:

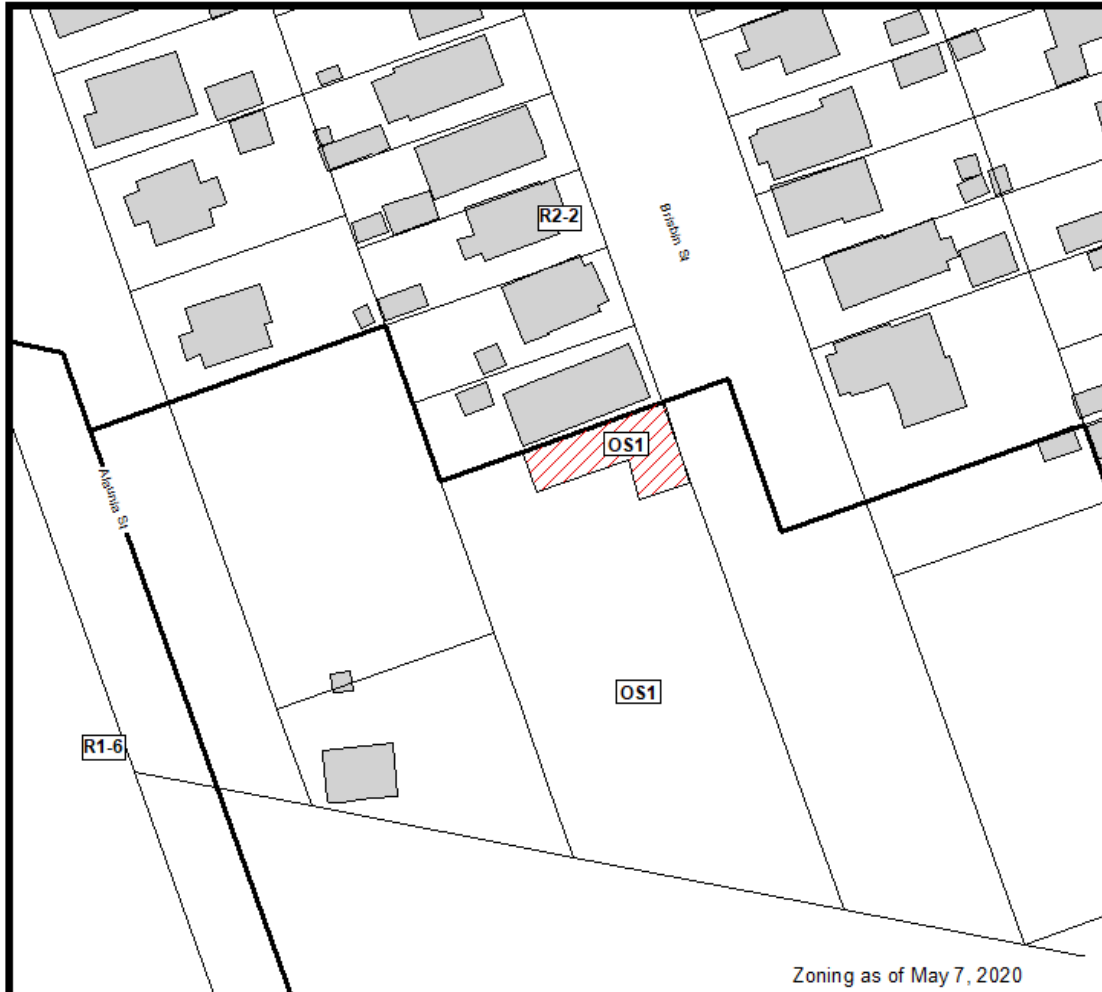
3.2.1., 8A.2., 8A2.2., 8A2.3. i), 18.1 ix), 19.1.1. i), Schedule “A”, Schedule “C”

### Hamilton Road Area Community Improvement Plan:

Section 2, Figure 3, Figure 4

**Appendix D – Relevant Background**

**Additional Maps**



**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:**

1) *LEGEND FOR ZONING BY-LAW Z-1*

- |   |  |
|---|--|
| <p>R1 - SINGLE DETACHED DWELLINGS<br/>         R2 - SINGLE AND TWO UNIT DWELLINGS<br/>         R3 - SINGLE TO FOUR UNIT DWELLINGS<br/>         R4 - STREET TOWNHOUSE<br/>         R5 - CLUSTER TOWNHOUSE<br/>         R6 - CLUSTER HOUSING ALL FORMS<br/>         R7 - SENIOR'S HOUSING<br/>         R8 - MEDIUM DENSITY/LOW RISE APTS.<br/>         R9 - MEDIUM TO HIGH DENSITY APTS.<br/>         R10 - HIGH DENSITY APARTMENTS<br/>         R11 - LODGING HOUSE</p> <p>DA - DOWNTOWN AREA<br/>         RSA - REGIONAL SHOPPING AREA<br/>         CSA - COMMUNITY SHOPPING AREA<br/>         NSA - NEIGHBOURHOOD SHOPPING AREA<br/>         BDC - BUSINESS DISTRICT COMMERCIAL<br/>         AC - ARTERIAL COMMERCIAL<br/>         HS - HIGHWAY SERVICE COMMERCIAL<br/>         RSC - RESTRICTED SERVICE COMMERCIAL<br/>         CC - CONVENIENCE COMMERCIAL<br/>         SS - AUTOMOBILE SERVICE STATION<br/>         ASA - ASSOCIATED SHOPPING AREA COMMERCIAL</p> <p>OR - OFFICE RESIDENTIAL<br/>         OC - OFFICE CONVERSION<br/>         RO - RESTRICTED OFFICE<br/>         OF - OFFICE</p> | <p>RF - REGIONAL FACILITY<br/>         CF - COMMUNITY FACILITY<br/>         NF - NEIGHBOURHOOD FACILITY<br/>         HER - HERITAGE<br/>         DC - DAY CARE</p> <p>OS - OPEN SPACE<br/>         CR - COMMERCIAL RECREATION<br/>         ER - ENVIRONMENTAL REVIEW</p> <p>OB - OFFICE BUSINESS PARK<br/>         LI - LIGHT INDUSTRIAL<br/>         GI - GENERAL INDUSTRIAL<br/>         HI - HEAVY INDUSTRIAL<br/>         EX - RESOURCE EXTRACTIVE<br/>         UR - URBAN RESERVE</p> <p>AG - AGRICULTURAL<br/>         AGC - AGRICULTURAL COMMERCIAL<br/>         RRC - RURAL SETTLEMENT COMMERCIAL<br/>         TGS - TEMPORARY GARDEN SUITE<br/>         RT - RAIL TRANSPORTATION</p> <p>"h" - HOLDING SYMBOL<br/>         "D" - DENSITY SYMBOL<br/>         "H" - HEIGHT SYMBOL<br/>         "B" - BONUS SYMBOL<br/>         "T" - TEMPORARY USE SYMBOL</p> |
|---|--|

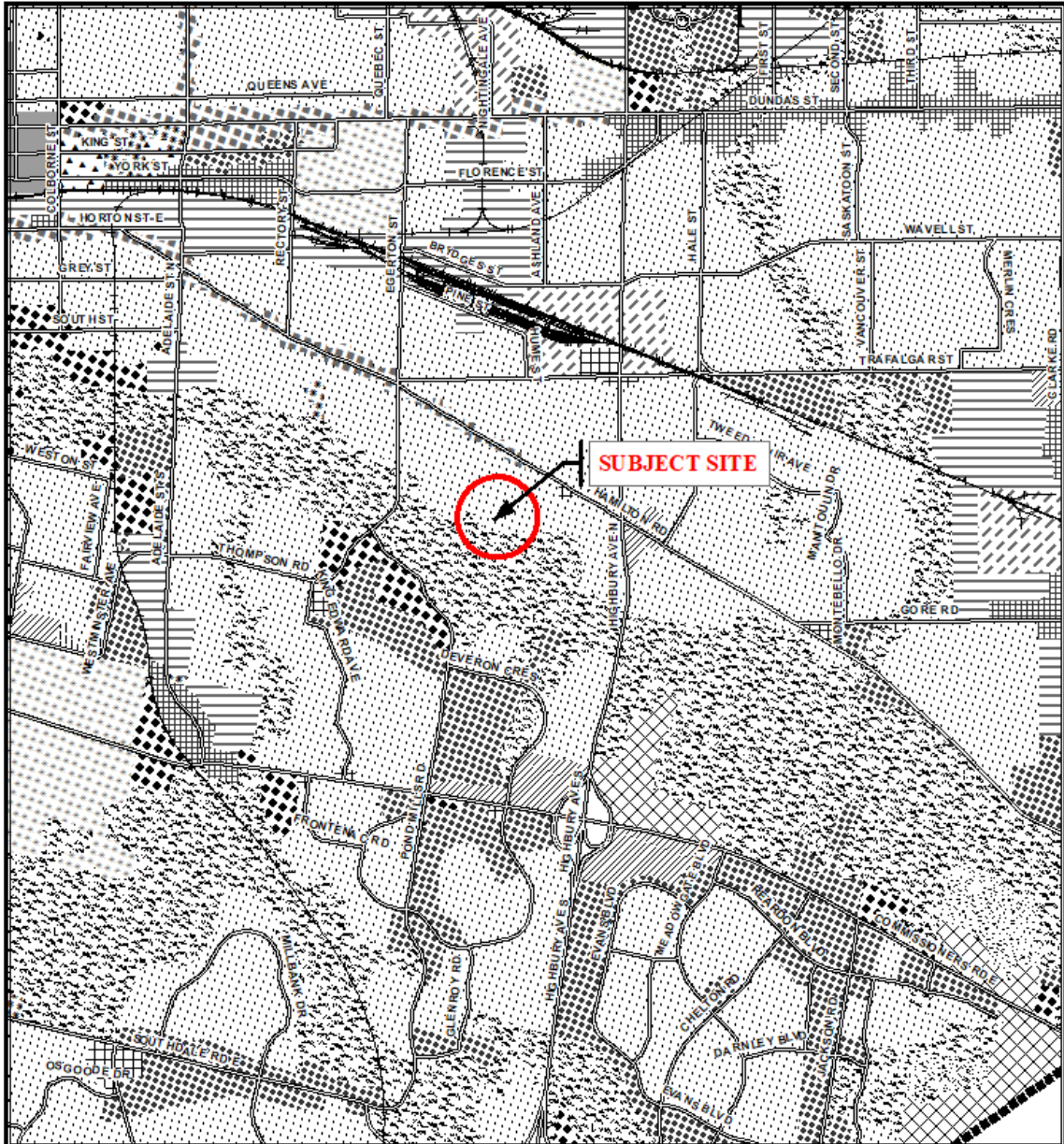
**CITY OF LONDON**  
 CITY PLANNING / DEVELOPMENT SERVICES

**ZONING  
 BY-LAW NO. Z.-1  
 SCHEDULE A**

THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS

FILE NO: Z-9195		DH
MAP PREPARED: 2020/05/12		WR
1:750		



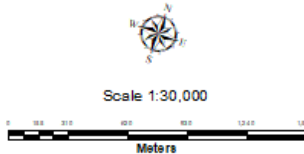


**Legend**

- |   |  |                         |
|---|--|-------------------------|
| Downtown                                      | Multi-Family, Medium Density Residential | Office Business Park    |
| Wonderland Road Community Enterprise Corridor | Low Density Residential                  | General Industrial      |
| Enclosed Regional Commercial Node             | Office Area                              | Light Industrial        |
| New Format Regional Commercial Node           | Office/Residential                       | Commercial Industrial   |
| Community Commercial Node                     | Regional Facility                        | Transitional Industrial |
| Neighbourhood Commercial Node                 | Community Facility                       | Rural Settlement        |
| Main Street Commercial Corridor               | Open Space                               | Environmental Review    |
| Auto-Oriented Commercial Corridor             | Urban Reserve - Community Growth         | Agriculture             |
| Multi-Family, High Density Residential        | Urban Reserve - Industrial Growth        | Urban Growth Boundary   |

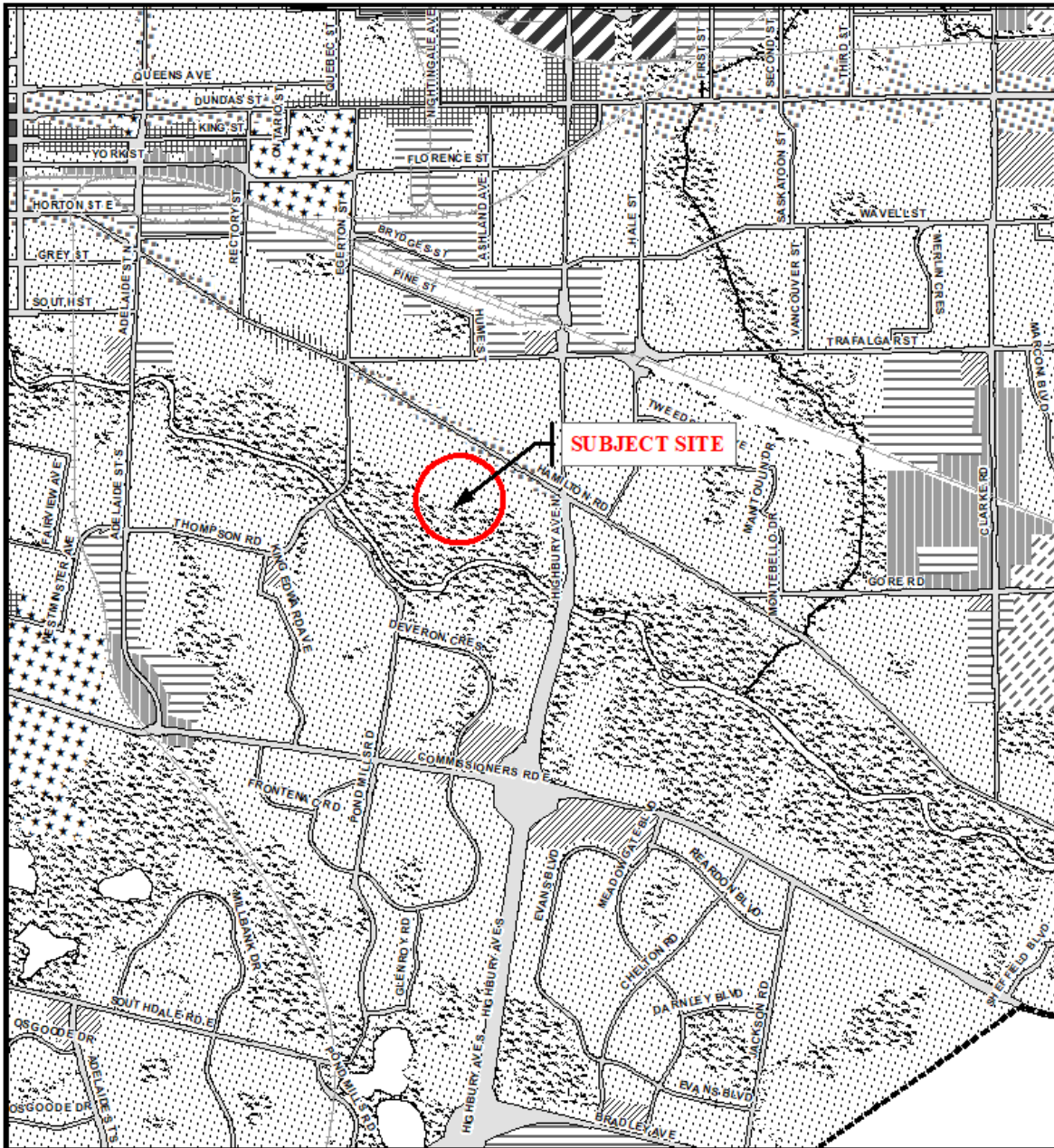
**CITY OF LONDON**  
 City Planning /  
 Development Services  
 OFFICIAL PLAN SCHEDULE A  
 - LAND USE -

PREPARED BY: Development Services



FILE NUMBER: Z-9195  
 PLANNER: DH  
 TECHNICIAN: WR  
 DATE: 2020/05/12





**Legend**

- |                        |                          |   |
|------------------------|--------------------------|---|
| Downtown               | Future Community Growth  | Environmental Review                    |
| Transit Village        | Heavy Industrial         | Farmland                                |
| Shopping Area          | Light Industrial         | Rural Neighbourhood                     |
| Rapid Transit Corridor | Future Industrial Growth | Waste Management Resource Recovery Area |
| Urban Corridor         | Commercial Industrial    | Urban Growth Boundary                   |
| Main Street            | Institutional            |   |
| Neighbourhood          | Green Space              |   |

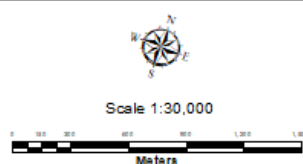
*This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.*

*At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.*

**CITY OF LONDON**  
 City Planning /  
 Development Services

**LONDON PLAN MAP 1**  
 - PLACE TYPES -

PREPARED BY: Development Services



**File Number:** Z-9195  
**Planner:** DH  
**Technician:** WR  
**Date:** 2020/05/12

**Additional Reports**

File No. P-2357 (1)

**TO:** CHAIR AND MEMBERS  
CORPORATE SERVICES COMMITTEE  
MEETING ON DECEMBER 3, 2019

**FROM:** ANNA LISA BARBON  
MANAGING DIRECTOR, CORPORATE SERVICES AND  
CITY TREASURER, CHIEF FINANCIAL OFFICER

**SUBJECT:** DECLARE SURPLUS  
PORTION OF CITY OWNED LAND – 65 BRISBIN STREET  
ABUTTING SOUTH SIDE OF 81 BRISBIN STREET

**RECOMMENDATION**

That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, on the advice of the Manager of Realty Services, with respect to a portion of City owned land at 65 Brisbin Street, abutting the south side of 81 Brisbin Street, described as Part 2, Lot 94, Plan 484 C, containing an area of approximately 805 square feet, as shown on Schedule "A", the following actions **BE TAKEN:**

- a) the subject property BE DECLARED SURPLUS; and
- b) the subject property ("Surplus Lands")BE TRANSFERRED to the abutting property owner at 81 Brisbin Street, in accordance with the City's Sale and Other Disposition of Land Policy.

**PREVIOUS REPORTS PERTINENT TO THIS MATTER**

None.

**BACKGROUND**

**Site Description**

The subject property is a portion of City owned open space municipally known as 65 Brisbin Street. The parcel being declared surplus is located on the west side of Brisbin Street adjacent to the south side of 81 Brisbin Street. The subject City lands are located off the west end of a turning circle or bulb at the end of Brisbin Street. The proposed sale of the lands comprises of 805 square feet with 20 feet of frontage on Brisbin Street.

Official Plan: Open Space (OS1)  
Zoning: Open Space (OS1)  
Area: 805 square feet  
Site Description: Vacant City owned park land

**Current Status of Site**

The site is currently vacant City land abutting the south side of 81 Brisbin Street. A formal request to purchase a portion of the City owned lands was made on August 30, 2019. The property owner of 81 Brisbin Street advised that the proposed lands are required to replace an illegal driveway at the north end of his property. The owner was issued a citation from the adjoining owner to cease encroaching and using the lands as a driveway. He engaged the services of a lawyer and a surveyor and after a review of the situation by his lawyer it was confirmed that he indeed was using the lands lying to the north without permission and without legal rights.

A Property Liaison Inquiry Report was circulated on October 1, 2019. No responses or objections to the sale of the lands were raised, however after the process was completed, the following conditions on the sale were imposed:

1. That a Stage 1 and Stage 2 Archaeological Assessment be completed.
2. That the lands be rezoned from current Parkland to Residential.
3. That the new south limits of the lands be fenced with a 1.5 metre high black chain-link fence as per City standards.

An internal appraisal of the property has been recommended to determine the estimated fair market value of the property, which will be relied upon during disposition. The owner has requested that the City move forward with the process. He has accepted the conditions imposed and subject to the reasonable costs to purchase the lands as established by an appraisal, he will enter into an Agreement of Purchase and Sale with the City.

The Sale and Other Disposition of Land policy under Section 4 Methods of Sale allows for the disposition of lands to abutting property owner through direct negotiation.

### **Conclusion**

The property is surplus to the needs of the City and therefore recommended to be declared surplus and sold at fair market value in accordance with the City's Sale and Other Disposition of Land Policy.

A location map is attached for the Committee's information.

**PREPARED & SUBMITTED BY:**

BILL WARNER  
MANAGER OF REALTY SERVICES

**RECOMMENDED BY :**

ANNA LISA BARBON  
MANAGING DIRECTOR, CORPORATE  
SERVICES AND CITY TREASURER,  
CHIEF FINANCIAL OFFICER

November 19, 2019

File No. P-2357 (1)

Attach.

cc: Andrew Macpherson, Division Manager, Parks Planning and Operations

## PUBLIC PARTICIPATION MEETING COMMENTS

### 3.3 PUBLIC PARTICIPATION MEETING – Part of 65 Brisbin Street (Z-9195)

- Councillor Cassidy: Thank you Mr. Hahn. Any technical questions for the Planner? Councillor Hopkins.
- Councillor Hopkins: Yes, thank you Madam Chair, I just want to confirm that I understand where the fence is. Is the fence just on the south side and it's just along the boundary between the two neighbours. Just want to confirm that I'm reading that right.
- Councillor Cassidy: Mr. Hahn?
- Daniel Hahn, Planner I: Through the Chair, the fence would be located at the southern limits of the requested, of the new zone boundary and the new property boundary so that would be, that would be in between the City-owned lands and the new zoning area so it wouldn't be in between the property lines of 81 and 83 Brisbin Street if that was the question.
- Councillor Cassidy: Thank you. Are there any members of the public here for this item? Come to the microphone, state your name and then you have five minutes.
- Bridgette Somers, Manager, Corporate Records: Yes, we have one speaker here in Committee Room 1.
- Ron Humphries, 81 Brisbin Street: Thank you. I thank the members of the Planning and Environment Committee for this opportunity to speak to the application, and although I'm standing here by myself, my lawyer, Marshall Mayne, put the application together and is actually viewing on your YouTube channel and is available on Zoom call if I need to make a phone call to him if you have some real difficult questions for me. In January 2016, I retired and my wife and I moved to London. I remember the first time we went through the house at 81 Brisbin, it had been all set up. We sat down in the house - my wife in the living room, I in the kitchen - and we said, "We'd love to live here". We met our neighbor who lived at 83 Brisbin, living at the other side of the driveway and we had an interesting visit with her, and we noticed the homes on Brisbin seemed to be well cared for. Only later did we discover the added bonus of the nearby Thames River, the walking trails and the Vauxhall and St. Julian parks. The house itself had been owned for several decades by the previous owner and it became necessary for him to move to a long term care home, the house was sold, the new owners completely renovated, and then sold the house to us one year later. Our new neighbor and I worked on several mutual projects, including replacing the fence at the bottom of the present driveway. She paid for the materials and I did the work. Sometime during our first summer in our new home, she pointed to a post in the driveway. Apparently, our neighbour's father who used to live there still owned the home and he had since passed away. He had put the post into the ground to indicate the property line. Even though the position of the post suggested that they owned almost two thirds of the front of the driveway, I was not too concerned as we were both just parking as if it was a normal side-by-side driveway. After about a year and a half, in September of 2018, she got a car for her niece who also lives with her, and now she had two cars to park in her driveway. She told me that I was only allowed to park at the entrance end of my driveway, and I insisted I bought the whole driveway and would park where I chose. She insisted that I only park with her permission. She then got the boundary line staked by a surveyor, and we hired a survey of our

land and it showed that, indeed, there was a problem in the driveway. It seems that in the early 1950's, two brothers bought the last two lots at the end of Brisbin on the West side. They built their houses with little concern as to the actual boundary line. Now the survey shows the houses were not built perpendicular to the street but on a slight angle. This leads 81 Brisbin, now my home, having only about a six and a half foot wide driveway at the entrance and almost nine feet wide at the fence. I then went to City Hall and spoke to Mark Conley at the City's Realty Services to ask about purchasing the vacant City land adjacent to the South of my home. On January of this year, we signed a conditional offer agreement with the City of London to purchase the land. This re-zoning is one of those conditions; the other condition has already been mentioned - the archaeological assessment and the 'R' plan have already been completed, and the final condition is the erecting of the one point five meter high fence, which will be completed after paving for the driveway has been done. I believe the fence will be along the South side and then at the back end of the property as well. I've already gotten a quote from London Paving to create a double driveway on the land, and another group - M. L. C. London Fencing - to install a fence along the new boundary. It's interesting to note that when the water and sewer lines on our street were marked last year, at least a couple of empty lots South of my house were marked as having service. At one time, there was a plan in place to use this land as residential. I want to conclude my remarks with a public thank you. Over the past year, I have visited, called and emailed several departments in City Hall. Every staff person I spoke with was professional, considerate and even caring about my situation. They went beyond what I had expected of them. Never did they simply say, "That's not my department". Instead, they listened to my concerns and then helped me to understand what department to speak to and what to expect from them. In one instance, the staff person even called several others on my behalf while I waited. I have felt that every person took their time to understand my situation and to help me towards a viable solution. I also want to thank Daniel Hahn for the extensive report he has prepared for you this afternoon. Thank you for taking the time to reconsider this re-zoning request, and I would be happy to answer any questions or give any further details as to the steps that I and my lawyers are taking to get us to this point in finding a resolution to the need for an accessible driveway.

- Councillor Cassidy: Thank you, Mr. Humphries. Are there any questions for the applicant? I'm not seeing any. Are there any other members of the public who would like to speak to this matter? Any other members of the public for the Brisbin Street matter? I'm not seeing any, so I'll look for a motion to close the public participation meeting.

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee

**From:** George Kotsifas P. Eng.,  
Managing Director, Development & Compliance Services and  
Chief Building Official

**Subject:** 2186121 Ontario Inc.  
1146-1156 Byron Baseline Road

**Public Participation Meeting on:** July 15, 2020

## Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of 2186121 Ontario Inc. relating to the property located at 1146-1156 Byron Baseline Road:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting July 21, 2020 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Residential R1 (R1-7) Zone **TO** a Holding Residential R5 Special Provision (h-183\*R5-7(\_)) Zone;
- (b) **IT BEING NOTED** that the following Site Plan matters have been raised through the application review process for consideration by the Site Plan Approval Authority:
  - i) Enhanced provision of boundary landscaping along the east, west, and south property boundaries that not only exceed the standards of the Site Plan Control By-law but also has screening/privacy qualities;
  - ii) Location of a deep well waste storage system outside of the easement area;
  - iii) Building orientation towards Byron Baseline Road;
  - iv) Parking lot design, including landscape islands and generous separation between the parking lot and easterly property line;
  - v) Provision of an adequately-sized outdoor amenity area in a central location.

## Executive Summary

### Summary of Request

The owner has requested to rezone the subject site to permit a 28-unit cluster townhouse development consisting of 20, three-storey stacked back-to-back townhouse units and 8, two-storey townhouse units.

### Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is to permit a 28-unit cluster townhouse development. The following special provisions would ensure the site is developed generally in accordance with the site concept plan contemplated through the Zoning By-law Amendment process: a maximum building height of 12 metres for the first 35 metres of lot depth; a maximum building height of 8 metres beyond the first 35 metres of lot depth; and a minimum parking area setback of 7.5 metres from the ultimate road allowance. To ensure the recommendations of the Hydrogeological



Assessments are captured in the Development Agreement and implemented on site, an h-183 holding provision is recommended.

### Rationale of Recommended Action

1. The recommended amendment is consistent with the PPS, 2020, which encourages the regeneration of settlement areas and land use patterns within settlement areas that provide for a range of uses and opportunities for intensification and redevelopment. The PPS directs municipalities to permit all forms of housing required to meet the needs of all residents, present and future;
2. The recommended amendment conforms to the in-force policies of The London Plan, including but not limited to the Key Directions and Neighbourhoods Place Type;
3. The recommended amendment conforms to the in-force policies of the 1989 Official Plan, including but not limited to the Low Density Residential designation;
4. The recommended amendment facilitates the development of a vacant, underutilized site within the Built-Area Boundary with an appropriate form of infill development.

## Analysis

### 1.0 Site at a Glance

#### 1.1 Property Description

The subject site is located on the south side of Byron Baseline Road, west of North Street and Colonel Talbot Road. The subject site has an area of approximately 0.54 hectares and is comprised of four separate property parcels. The subject site is currently vacant and is occupied by two residential garages that are no longer in use. The site was previously occupied by three single-detached dwellings which have been demolished. The site has a frontage of approximately 74 metres and a depth of approximately 66 metres. The southern portion of the property, fronting onto Byron Baseline Road, is sloped downwards. The eastern portion of the site is encumbered by an approximately 18 metre wide easement containing a storm sewer.

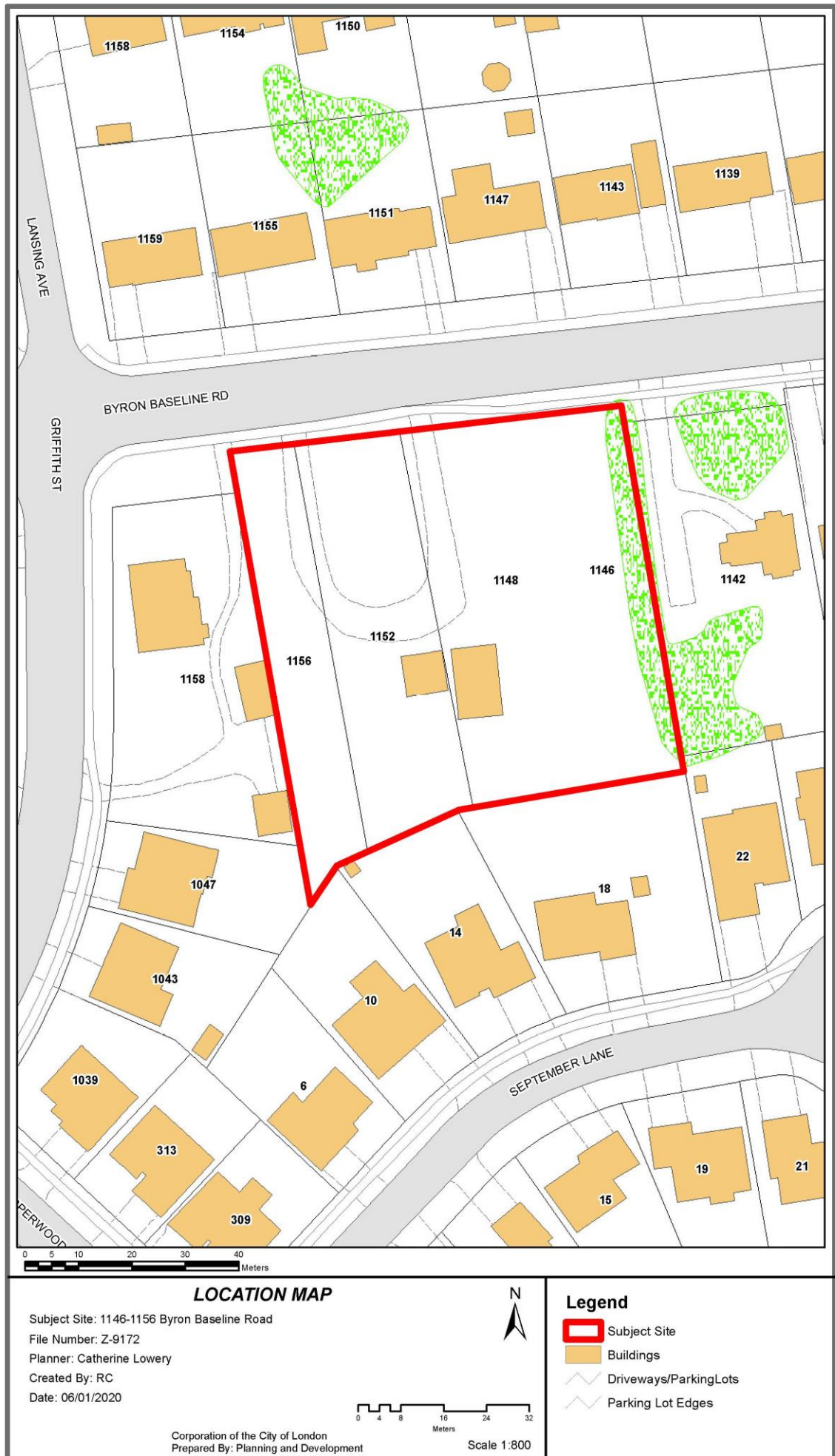


Figure 1: Subject Site (view from Byron Baseline Road)

#### 1.2 Current Planning Information (see more detail in Appendix D)

- Official Plan Designation – Low Density Residential
- The London Plan Place Type – Neighbourhoods Place Type
- Existing Zoning – Residential R1 (R1-7) Zone

1.3 LOCATION MAP





**1.4 Site Characteristics**

- Current Land Use – Undeveloped (two residential garages currently exist)
- Frontage – 73.7 metres (241.8 feet)
- Depth – 66.24 metres (217.32 feet)
- Area – 5,382.6 square metres (57,937.82 square feet)
- Shape – Irregular

**1.5 Surrounding Land Uses**

- North – Low Density Residential
- East – Low Density Residential
- South – Low Density Residential
- West – Low Density Residential

**1.6 Intensification**

The proposed 28 residential units represent intensification within the Built-area Boundary. The proposed residential units are located outside of the Primary Transit Area.

**2.0 Description of Proposal**

**2.1 Development Proposal**

The owner is proposing a 28-unit cluster townhouse development. 20 units would be three-storey stacked back-to-back townhouses located adjacent to Byron Baseline Road, while the remaining eight units would be two-storey townhouses located toward the rear of the site. Parking is proposed in a surface parking area and within private garages and driveways attached to the two-storey townhouse units.

Original Concept Plan

The conceptual site plan originally submitted in support of the requested amendment (Figure 2) shows the development as a total of 30 units (55.8 units per hectare), consisting of 26 three-storey stacked back-to-back townhouses along Byron Baseline Road and six two-storey townhouses at the rear of the site. A long surface parking lot was proposed to be located in the easterly side yard, with private garages serving the six two-storey townhouse units and an additional three parking spaces adjacent to these units. An outdoor amenity area with a gazebo was also proposed adjacent to these units and a garbage enclosure at the southerly end of the parking lot.

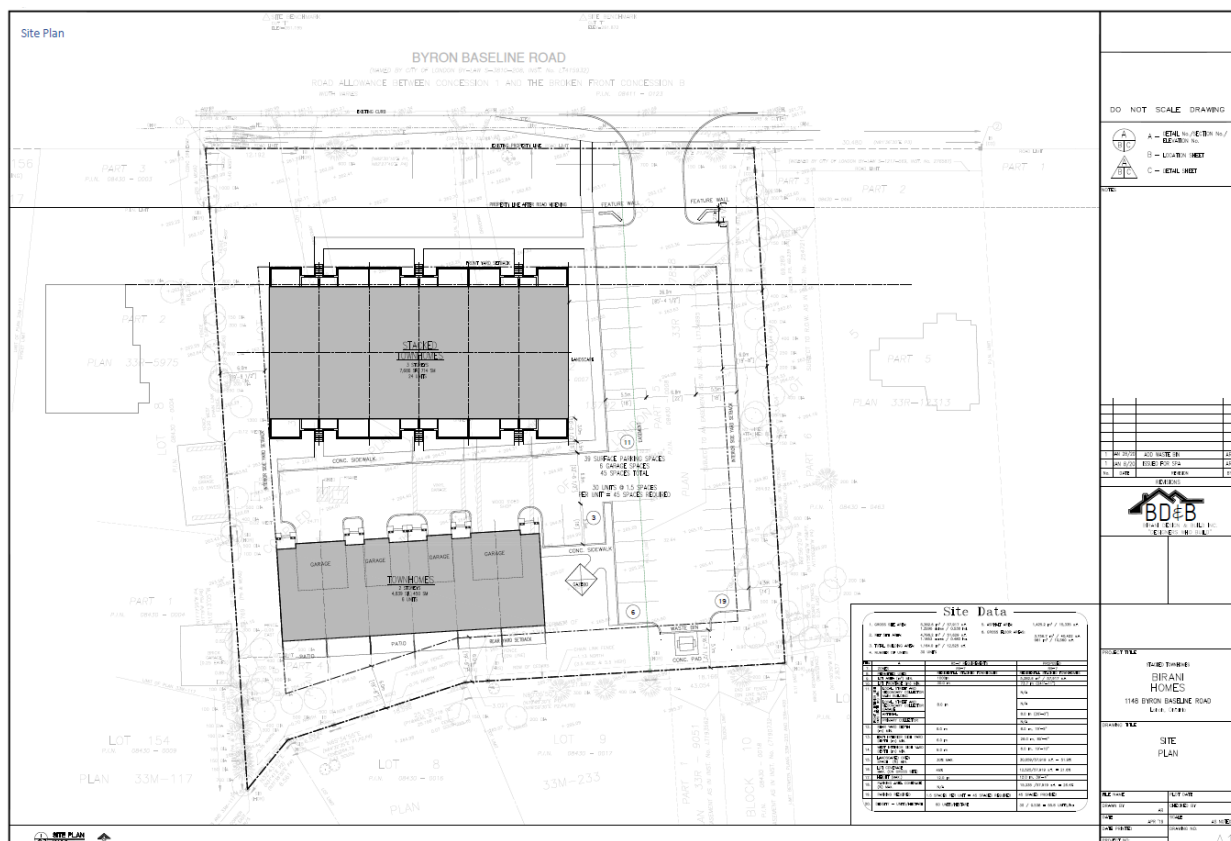


Figure 2: Site concept plan



Figure 3: Conceptual rendering

Revised Concept Plan (April 2020)

In response to concerns raised by City staff regarding the design and functionality of the site, the applicant submitted a revised concept with the following changes:

- Four of the three-storey stacked back-to-back units have been removed and two units added to the two-storey townhouse units, reducing the total number of units to 28 (52 units per hectare);
- The two-storey townhouses have been shifted slightly towards the rear lot line, allowing for full-sized driveways in front of the private garages;
- Parking spaces that previously extended beyond the front building façade towards Byron Baseline Road have been removed;
- Landscape islands have been added to the surface parking area;
- The garbage enclosure has been removed from the southerly end of the parking area and is now proposed in a deep well system located outside of the easement area;
- The amenity area was enlarged and relocated, with the gazebo, to the east of the stacked back-to-back units.

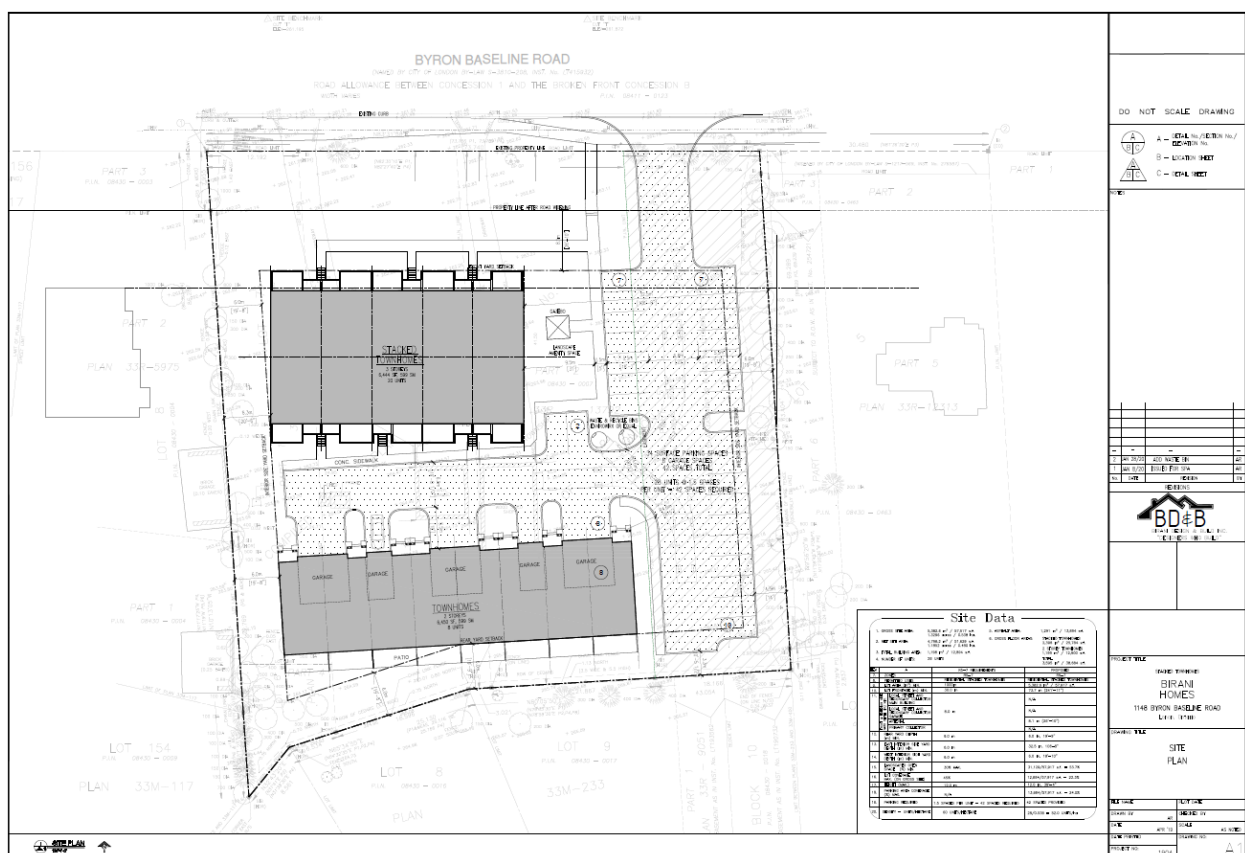


Figure 4: Revised site concept plan (April 2020)



Figure 5: Revised conceptual rendering

### 3.0 Relevant Background

#### 3.1 Planning History

In 2017, the applicant submitted a Zoning By-law Amendment application (Z-8847) requesting to rezone the site to a residential R8 Special Provision (R8-4(\_)) Zone. The purpose of the requested amendment was to permit a four-storey, 38-unit apartment building with an increased maximum height of 15 metres, whereas the standard Residential R8 (R8-4) Zone would permit a height of 13 meters, and a minimum front yard setback of 1.8 metres, whereas the standard Residential R8 (R8-4) Zone would require a minimum front yard setback of eight metres for a building of the requested height. The site concept plan and street-facing elevation of the apartment building proposed through the 2017 application are shown in Figures 6 and 7.

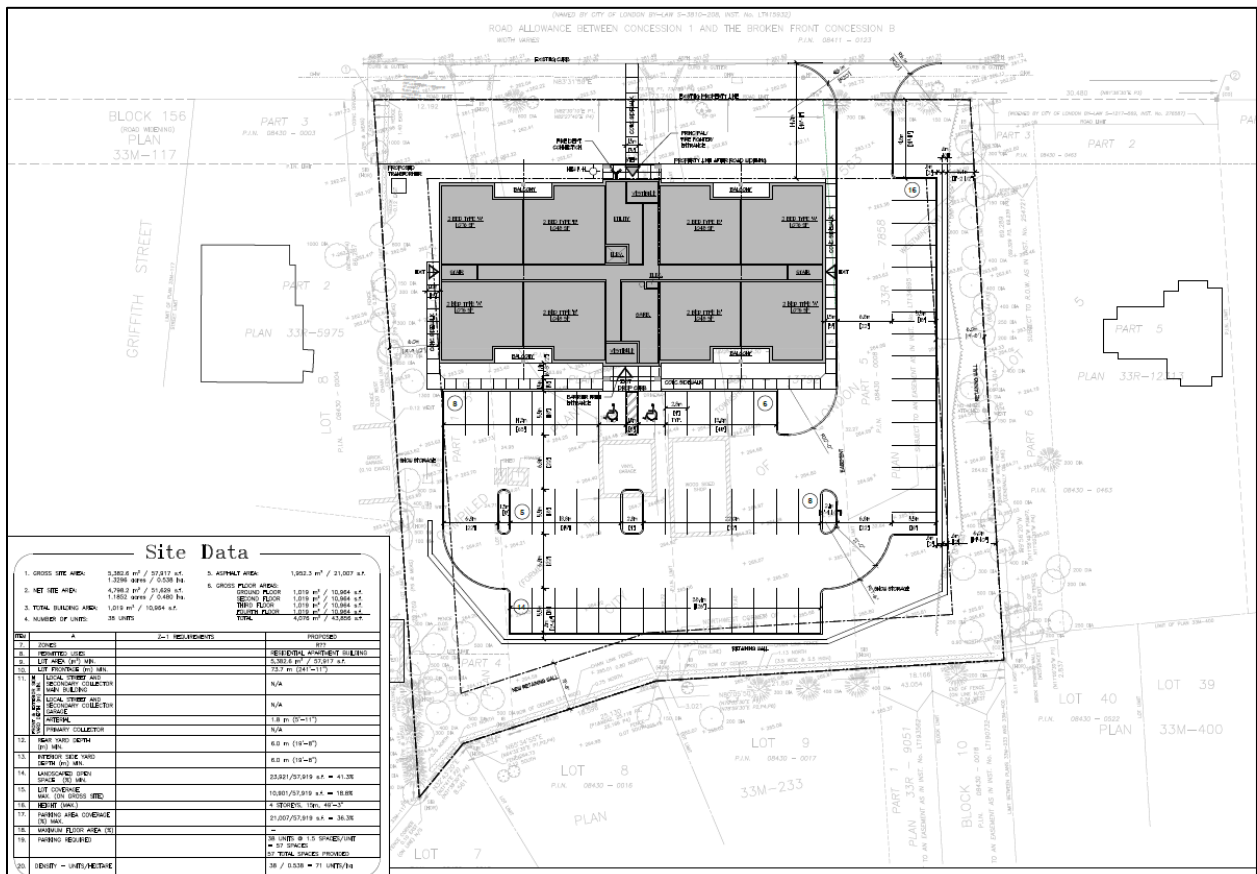


Figure 6: Site concept plan (2017 application)





Figure 7: North elevation (2017 application)

The applicant appealed this application to the Local Planning Appeal Tribunal (LPAT) based on City Council's failure to make a decision within 120 days of the submission of a complete application. In response to the appeal, staff recommended Council refuse the application on the basis that the requested amendment was not consistent with the Provincial Policy Statement and did not conform to the 1989 Official Plan or The London Plan. In January 2019, the LPAT issued an order dismissing the appeal and refusing the requested Zoning By-law Amendment.

### 3.2 Requested Amendment

The applicant has requested to change the zoning on the subject site from a Residential R1 (R1-7) Zone, which permits single detached dwellings, to a Residential R5 (R5-7) Zone, which permits cluster townhouses and cluster stacked townhouses. No special provisions are requested (although Staff are recommending special provisions to better regulate compatibility with the existing context).

### 3.3 Community Engagement (see more detail in Appendix B)

21 written responses and two phone calls were received from neighbouring property owners, which will be addressed later in this report. The primary concerns were related to the fit and compatibility of the proposed development.

### 3.4 Policy Context (see more detail in Appendix C)

#### ***Provincial Policy Statement, 2020***

The Provincial Policy Statement (PPS), 2020 provides policy direction on matters of provincial interest related to land use planning and development. In accordance with Section 3 of the Planning Act, all planning decisions "shall be consistent with" the PPS.

Section 1.1 of the PPS encourages healthy, livable and safe communities which are sustained by promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term. The PPS directs settlement areas to be the focus of growth and development, further stating that the vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities (1.1.3). As well, the PPS directs planning authorities to provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area (1.4.1).

#### ***The London Plan***

*The London Plan* is the new Official Plan for the City of London (Council adopted, approved by the Ministry with modifications, and the majority of which is in force and effect). *The London Plan* policies under appeal to the *Local Planning Appeals Tribunal* (Appeal PL170100) and not in force and effect are indicated with an asterisk throughout this report. *The London Plan* policies under appeal are included in this report for informative purposes indicating the intent of City Council, but are not determinative for the purposes of this planning application.

The London Plan provides Key Directions (54\_) that must be considered to help the City effectively achieve its vision. These directions give focus and a clear path that will lead to the transformation of London that has been collectively envisioned for 2035. Under

each key direction, a list of planning strategies is presented. These strategies serve as a foundation to the policies of the plan and will guide planning and development over the next 20 years. Relevant Key Directions are outlined below.

The London Plan provides direction to build a mixed-use compact city by:

- Planning to achieve a compact, contiguous pattern of growth – looking “inward and upward”;
- Planning for infill and intensification of various types and forms to take advantage of existing services and facilities and to reduce our need to grow outward; and,
- Ensure a mix of housing types within our neighbourhoods so that they are complete and support aging in place. (Key Direction #5, Directions 1, 2, 4 and 5).

The London Plan also provides direction to build strong, healthy and attractive neighbourhoods for everyone by:

- Integrating affordable forms of housing in all neighbourhoods (Key Direction #7, Direction 10).

Lastly, The London Plan provides direction to make wise planning decisions by:

- Ensuring health and safety is achieved in all planning processes (Key Direction #8, Direction 10).

The site is in the Neighbourhoods Place Type on a Civic Boulevard, as identified on \*Map 1 – Place Types and \*Map 3 – Street Classifications. The Neighbourhoods Place Type contemplates a range of low rise residential uses in accordance with \*Table 10 – Range of Permitted Uses in the Neighbourhoods Place Type up to a maximum height of 4-storeys in accordance with \*Table 11 – Range of Permitted Heights in the Neighbourhoods Place Type.

### **1989 Official Plan**

The subject site is designated Low Density Residential in accordance with Schedule ‘A’ of the 1989 Official Plan. The Low Density Residential designation is applied to lands that are primarily developed or planned for low-rise, low density housing forms including detached, semi-detached, and duplex dwellings (3.2).

## **4.0 Key Issues and Considerations**

Through an analysis of the use, intensity and form, Staff have considered the compatibility and appropriateness of the requested amendment and proposed development, as shown in the revised concept plan, with the subject lands and within the surrounding neighbourhood.

### **4.1 Issue and Consideration # 1: Use**

#### *Provincial Policy Statement, 2020 (PPS)*

The PPS encourages an appropriate affordable and market-based range and mix of residential types, including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons to meet long-term needs (1.1.1b)). The PPS also promotes the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs (1.1.1e)).

The PPS directs settlement areas to be the focus of growth and development. Land use patterns within settlement areas shall be based on densities and a mix of land uses which: efficiently use land and resources; are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; minimize negative impacts to air quality and climate change, and promote energy efficiency; prepare for the impacts

of a changing climate; support active transportation and are transit-supportive, where transit is planned, exists or may be developed (1.1.3.2). Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment (1.1.3.2).

The recommended amendment facilitates the development of an underutilized site within a settlement area. The proposed 28-unit cluster townhouse development contributes to a mix of housing types and provides choice and diversity in housing options for both current and future residents. No new roads or infrastructure are required to service the site, making efficient use of land and existing services.

#### *The London Plan*

The subject lands are within the Neighbourhoods Place Type in The London Plan with frontage on a Civic Boulevard. The range of uses permitted within the Neighbourhoods Place Type is directly related to the classification of street onto which a property has frontage (\*Table 10 – Range of Permitted Uses in Neighbourhoods Place Type). The recommended townhouse and stacked townhouse uses are included in the range of primary permitted uses within the Neighbourhoods Place Type for sites fronting on Civic Boulevards. Further, the recommended amendment facilitates the provision of a mix of housing types, consistent with the policies of The London Plan and PPS.

#### *1989 Official Plan*

The subject site is designated Low Density Residential in the 1989 Official Plan. The primary permitted uses in areas designated Low Density Residential shall be single detached; semi-detached; and duplex dwellings. Multiple-attached dwellings, such as row houses or cluster houses may also be permitted as well as residential intensification (3.2.1). The proposed townhouse and stacked back-to-back townhouses are contemplated as multiple-attached dwellings in the 1989 Official Plan and serve as a form of intensification through infill development.

## **4.2 Issue and Consideration # 2: Intensity**

#### *Provincial Policy Statement, 2020 (PPS)*

The policies of the PPS direct planning authorities to identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated, taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs (1.1.3.3). Planning authorities are further directed to permit and facilitate all housing options required to meet the social, health, economic and well-being requirements of current and future residents as well as all types of residential intensification, including additional residential units and redevelopment (1.4.3b)). Densities for new housing which efficiently uses land, resources, infrastructure and public service facilities, and supports the use of active transportation and transit in areas where it exists or is to be developed, is promoted by the PPS (1.4.3d)).

The recommended amendment facilitates the redevelopment of an underutilized site within a settlement area. As the site is currently vacant, the proposed development represents a form of intensification through infill development. The site is located in an area serviced by existing transit. The consolidation of land previously developed as low density residential supports the Province's goal to achieve a more compact, higher density form of development, consistent with the PPS.

#### *The London Plan*

The London Plan contemplates intensification where appropriately located and provided in a way that is sensitive to and a good fit with existing neighbourhoods (\*83\_, \*937\_,

\*939\_2 and 5, and \*953\_1). The London Plan directs that intensification may occur in all place types that allow for residential uses (84\_).

The London Plan uses height as a measure of intensity in the Neighbourhoods Place Type. A minimum height of 2-storeys and a maximum height 4-storeys, with opportunities for up to 6-storeys with bonus zoning, is contemplated within the Neighbourhoods Place Type where a property has frontage on a Civic Boulevard (\*Table 11 – Range of Permitted Heights in the Neighbourhoods Place Type). The intensity of development must be appropriate for the size of the lot (\*953\_3.).

The recommended amendment would facilitate the development of three-storey stacked back-to-back townhouses and two-storey townhouse units. Both forms of townhouses are within the maximum intensity permitted by The London Plan. Further, the applicant has worked closely with staff to design the site in a manner which is appropriate for the size of the lot, satisfying the requirements of the Site Plan Control By-law to ensure the site functions overall. The site design incorporates all required parking and a generous outdoor amenity area. Generally, reductions in parking and landscaped open space, and increases in height, density, and lot coverage often serve as indicators of possible over intensification. Therefore, it is important to recognize that no special provisions are required to facilitate the proposed development, indicating that the site is of sufficient size to support the proposed intensity and site design. However, it should be noted that Staff are recommending 3 special provisions to better regulate compatibility with the neighbouring properties.

#### *1989 Official Plan*

Development within areas designated Low Density Residential shall have a low rise, low coverage form that minimizes problems of shadowing, view obstruction and loss of privacy (3.2.2). Within the Low Density Residential designation, Residential Intensification will be considered in a range up to 75 units per hectare. Infill housing may be in the form of single detached dwellings, semi-detached dwellings, attached dwellings, cluster housing and low rise apartments (3.2.3.2).

The recommended amendment would facilitate the development of the subject site with cluster housing in the form of townhouses and stacked back-to-back townhouses at a density of approximately 52 units per hectare. In accordance with Section 3.2.3.2 of the 1989 Official Plan, Zoning By-law provisions are to ensure that infill housing projects recognize the scale of adjacent land uses and reflect the character of the area. Surrounding land uses in the immediate vicinity of the subject site are predominantly in the form of single-storey, ranch-style homes fronting on Byron Baseline Road and two-storey homes fronting on September Lane. Directly to the west is a 2.5-storey single detached dwelling, which is listed on the City's Heritage Register. Further east, near the intersection of Byron Baseline Road and Colonel Talbot Road, is a cluster townhouse development consisting of one and two-storey units. A three-storey apartment building also exists at the corner of Byron Baseline Road and North Street.

The proposed development is of a low rise scale with a low lot coverage, providing little risk of shadow and privacy issues on adjacent lands. This also allows ample opportunity for outdoor amenity and landscaping, as well as parking to serve residents and visitors. Residential intensification in the Low Density Residential designation is subject to a Planning Impact Analysis on the basis of criteria relevant to the proposed change (3.7.2). See Appendix C of this report for a complete Planning Impact Analysis addressing matters of both intensity and form.

### **4.3 Issue and Consideration # 3: Form**

#### *Provincial Policy Statement, 2020 (PPS)*

The PPS is supportive of appropriate development standards which facilitate intensification, redevelopment and compact form (1.1.3.4). The PPS also identifies that long term economic prosperity should be supported by encouraging a sense of place by promoting a well-designed built form (1.7.1e)).

Consistent with the PPS, the recommended intensification of the subject lands would optimize the use of land and public investment in infrastructure in the area. Located within a developed area of the City, the redevelopment and intensification of the subject lands would contribute to achieving more compact forms of growth. The proposed cluster townhouses and stacked back-to-back townhouses represent a more compact form of development than the current undeveloped state of the site, and the three single-detached dwellings that previously existed.

#### *The London Plan*

The London Plan encourages compact forms of development as a means of planning and managing for growth (7\_, 66\_). The London Plan encourages growing “inward and upward” to achieve compact forms of development (59\_ 2, 79\_). The London Plan accommodates opportunities for infill and intensification of various types and forms (59\_ 4). To manage outward growth, The London Plan encourages supporting infill and intensification in meaningful ways (59\_ 8).

Within the Neighbourhoods Place Type, and according to the urban design considerations for residential intensification, compatibility and fit will be evaluated from a form-based perspective through consideration of the following: site layout in the context of the surrounding neighbourhood; building and main entrance orientation; building line and setback from the street; height transitions with adjacent development; and massing appropriate to the scale of the surrounding neighbourhood (\*953\_ 2.a. to f.). Similar to the Planning Impact Analysis criteria within the 1989 Official Plan, the Our Tools section of The London Plan contains various considerations for the evaluation of all planning and development applications (\*1578\_).

#### *1989 Official Plan*

The Low Density Residential designation of the 1989 Official Plan contemplates residential intensification in different forms, including multiple attached dwellings and low rise apartment buildings. The scale and form of infill housing projects must recognize the scale of adjacent land uses and reflect the character of the area (3.2.3.2).

Residential Intensification projects shall use innovative and creative urban design techniques to ensure that character and compatibility with the surrounding neighbourhood is maintained (3.2.3). Consideration has been given to the form of the proposed development and specific measures to mitigate compatibility concerns. The site has been designed such that the taller, three-storey building would be positioned along Byron Baseline Road, an arterial road, while the lower, two-storey building would be positioned towards the rear of the site. This provides a transition in height and scale from the arterial road towards the existing low density neighbourhood to the south. The height of the two-storey buildings is similar to that of the two-storey single detached dwellings fronting on September Lane, alleviating concerns with respect to overlook and privacy.

The stacked back-to-back townhouse units have been designed with a front yard setback of eight metres (post road widening). This setback is in line with the front yard setbacks of neighbouring buildings, resulting in a consistent streetscape. Six metre rear and westerly interior side yard setbacks provide separation between neighbouring properties, offering adequate space for perimeter tree planting. Tree planting efforts will be considered at the site plan stage in accordance with applicable policies, by-laws, and regulations that are in force at that time. During that review, the applicant should be encouraged to choose tree species that have screening/privacy qualities.

The surface parking area has been positioned such that it does not extend beyond the front building façade and no parking spaces are located between the building and the street. Further, the two-storey townhouse units have been designed with private garages with an additional parking space in the driveway. The parking areas have been designed with landscaped islands, breaking up the number of spaces in a continuous row and providing opportunity for plantings.



#### 4.4 Issue and Consideration # 4: Hydrogeology

##### *Provincial Policy Statement, 2020 (PPS)*

The PPS identifies that healthy and safe communities are sustained by avoiding development and land use patterns which may cause environmental or public health and safety concerns (1.1.1 c)). It also identifies that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety (1.1.3.4).

##### *The London Plan*

The London Plan includes an in-force policy that identifies that where a planning and development application is proposed in the vicinity of an existing well, the applicant will be required to demonstrate, to the satisfaction of the City, that the proposed development will not have a negative impact on groundwater quantity and quality (474\_13). It also states that it is the responsibility of the applicant to identify the locations of wells in the vicinity of a development site (474\_13). The London Plan includes policies to ensure that public health and safety is maintained in the review of development applications, including an in-force policy that ensures that health and safety is achieved in all planning processes (62\_10). It also includes an in-force policy that safe, clean drinking water will be supplied to Londoners (743\_).

##### *1989 Official Plan*

The 1989 Official Plan requires that where an amendment to the Zoning By-law is proposed in the vicinity of an existing well, the application must demonstrate, to the satisfaction of the City, that the proposed development will not negatively impact groundwater quantity and quality (17.7.3(i)). It also identifies that it is the responsibility of the applicant to identify the locations of wells in the vicinity of the development site (17.7.3(i)).

Due to the site's proximity to an existing well on the adjacent property at 1158 Byron Baseline Road, the applicant was required to submit a Hydrogeological Assessment as part of the complete Zoning By-law Amendment. The purpose of this report is to ensure the proposed development would have no negative impacts on the quality and quantity of well water. The report must also demonstrate that development of the site is achievable without creating a public health and safety concern, in accordance with the policies of the PPS, The London Plan, and the 1989 Official Plan.

The Hydrogeological Assessment (the Assessment), prepared by LDS Consultants Inc. (dated September 27, 2018) and submitted as part of the complete application, concluded that the proposed development would have no significant or negative impacts on the hydrogeological setting for the broader area, including the intermediate depth aquifer which the water supply well at 1158 Byron Baseline Road relies on. The Assessment recommends that water quality monitoring take place during construction, based on incident or event-based criteria. The Assessment further recommends that although any potential impact to the well at 1158 Byron Baseline Road is considered unlikely, it is considered prudent to have a contingency plan in the event of an unforeseen impact.

To ensure the recommendations of the Assessment, including but not limited to a monitoring program and contingency plan, are captured in the Development Agreement and implemented on site, the following holding provision is recommended:

*h-183 Purpose: To ensure that development will not have any negative impacts on the groundwater in the area, with specific attention given to any negative impacts on existing wells, a Hydrogeological Study shall be prepared by a qualified professional and submitted to the City to evaluate the potential impact of the proposed development to area private wells and provide recommendations for monitoring post construction impacts and possible mitigation measures to the satisfaction of the City Engineer prior to the removal of the h-183 symbol. Any recommendations contained*

*therein shall be incorporated into the development agreement to the satisfaction of the City of London.*

#### **4.5 Issue and Consideration # 5: Heritage and Archaeology**

##### *Provincial Policy Statement, 2020 (PPS)*

The PPS directs planning authorities to protect cultural heritage and archaeological resources. Planning authorities shall not permit development and site alteration on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved (2.6.2). Further, planning authorities are not to permit development or site alteration on lands adjacent to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved (2.6.3).

##### *The London Plan*

Consistent with the PPS, The London Plan contains policies to ensure archaeological and cultural heritage resources are protected. Development and site alteration on lands adjacent to heritage designated properties or properties listed on the Register shall not be permitted except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the heritage designated properties or properties listed on the Register will be conserved (586\_).

##### *1989 Official Plan*

Where a heritage building is protected under Parts IV, V or VI of the Ontario Heritage Act, development, site alteration or demolition may be permitted on adjacent lands where it has been evaluated through a Heritage Impact Statement, and demonstrated to the satisfaction of Council that the heritage values, attributes and integrity of the protected heritage property are retained (13.2.3.1.).

The subject site is identified as having archaeological potential in the 2018 Archaeological Master Plan and is located adjacent to a listed heritage property at 1158 Byron Baseline Road. As part of a complete application, the applicant was required to submit a Stage 1-2 Archaeological Assessment and a Heritage Impact Assessment (HIA). The Stage 1-2 Archaeological Assessment, prepared by Stantec Consulting dated June 14, 2019, concludes that no archaeological resources were identified during the Stage 2 archaeological assessment and recommends that no further archaeological assessment of the study area is required. An Ontario Ministry of Tourism, Culture and Sport archaeological compliance letter, dated June 19, 2019, has also been received. Heritage Planning staff has confirmed that all archaeological conditions have been satisfied for this application.

The HIA has been reviewed by both the London Advisory Committee on Heritage (LACH) and heritage planning staff. In their comments, LACH has advised that it is satisfied with the research, assessment and conclusions of the HIA, is satisfied that the proposed development will not have an adverse impact on adjacent cultural heritage resources, and is supportive of recommended mitigation measures outlined in the HIA. Heritage planning staff have commented that although the proposed development will not directly affect identified heritage attributes at 1158 Byron Baseline Road, there is an abrupt change in land use and form of development between the subject site and 1158 Byron Baseline Road resulting in concerns of compatibility. Heritage staff are concerned that the difference in height and massing, along with the close proximity of the new development to the property line, creates challenges in visually transitioning from new to existing.

Due to the encumbrance of the approximately 18 metre wide easement on the easterly portion of the site, there is little flexibility to relocate the proposed buildings further away from the heritage property at 1158 Byron Baseline Road without compromising the outdoor amenity area. To mitigate concerns with respect to compatibility between the

proposed development and heritage home at 1158 Byron Baseline Road, it is recommended the Site Plan Approval Authority consider enhanced landscaping along the east, west, and south property boundaries that not only exceed the standards of the Site Plan Control By-law but also has screening/privacy qualities. This will also assist in alleviating privacy concerns between the subject site and neighbouring properties.

More information and detail is available in the appendices of this report.

## **5.0 Conclusion**

The recommended amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the in-force policies of The London Plan, including but not limited to the Key Directions and Neighbourhoods Place Type. Further, the recommended amendment is in conformity with the in-force policies of the 1989 Official Plan, including but not limited to the Low Density Residential designation. The recommended amendment will facilitate the development of a vacant, underutilized site with a land use and intensity that is appropriate for the site.

<b>Prepared by:</b>	<b>Catherine Lowery, MCIP, RPP</b> <b>Planner II, Development Services</b>
<b>Recommended by:</b>	<b>Paul Yeoman, RPP, PLE</b> <b>Director, Development Services</b>
<b>Submitted by:</b>	<b>George Kotsifas, P.ENG</b> <b>Managing Director, Development and Compliance</b> <b>Services and Chief building Official</b>
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services.	

July 6, 2020

cc: Michael Tomazincic, MCIP, RPP, Manager, Current Planning

**Appendix A**

Bill No. (number to be inserted by Clerk's Office)  
2020

By-law No. Z.-1-20\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to  
rezone an area of land located at 1146-  
1156 Byron Baseline Road.

WHEREAS 2186121 Ontario Inc. has applied to rezone an area of land located at 1146-1156 Byron Baseline Road, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 1146-1156 Byron Baseline Road, as shown on the attached map comprising part of Key Map No. A106, from a Residential R1 (R1-7) Zone to a Holding Residential R5 Special Provision (h-183\*R5-7(\_)) Zone.
- 2) Section Number 9.4 of the Residential R5 (R5-7) Zone is amended by adding the following Special Provision:
  - ) R5-7( ) 1146-1156 Byron Baseline Road
    - a) Regulations
      - i) Building Height 12 metres (39.37 feet)  
for a Lot Depth of  
35 metres (114.8 feet)  
(Maximum)
      - ii) Building Height 8 metres (26.2 feet)  
For a Lot Depth Beyond  
35 metres (114.8 feet)  
(Maximum)
      - iii) Parking Area Setback 7.5 metres (24.6 feet)  
From the ultimate road  
Allowance (Minimum)

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

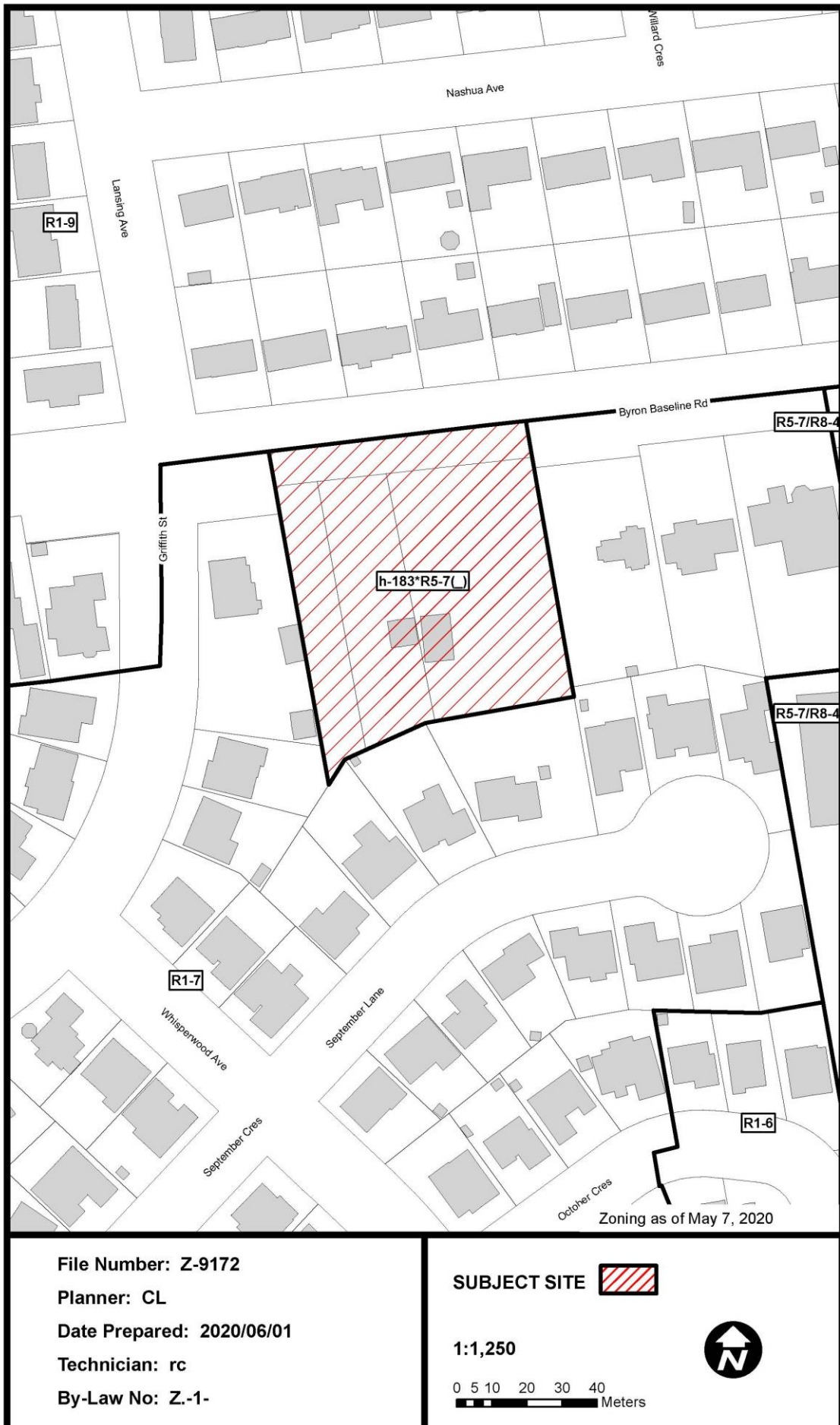
PASSED in Open Council on July 21, 2020.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – July 21, 2020  
Second Reading – July 21, 2020  
Third Reading – July 21, 2020

AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z-1)



## Appendix B – Public Engagement

### Community Engagement

**Public liaison:** On February 12, 2020, Notice of Application was sent to 259 property owners in the surrounding area. Notice was emailed to 25 interested parties. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on February 13, 2020. A “Planning Application” sign was also posted on the site.

**Nature of Liaison:** The purpose and effect of this zoning change is to permit a 30-unit cluster townhouse development consisting of 24 3-storey stacked back-to-back townhouse units and 6 2-storey townhouse units. Possible change to Zoning By-law Z.-1 **FROM** a Residential R1 (R1-7) Zone **TO** a Residential R5 (R5-7) Zone to permit cluster townhouse dwellings and cluster stacked townhouse dwellings. File: Z-9172  
Planner: C. Lowery

**Public liaison:** On June 24, 2020, Notice of Revised Application and Notice of Public Meeting was sent to 259 property owners in the surrounding area. Notice was emailed to 25 interested parties. Notice of Revised Application and Notice of Public Meeting was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on June 25, 2020.

**Nature of Liaison:** The purpose and effect of this zoning change is to permit a 28-unit cluster townhouse development consisting of twenty 3-storey stacked back-to-back townhouse units and eight 2-storey townhouse units. Possible change to Zoning By-law Z.-1 **FROM** a Residential R1 (R1-7) Zone **TO** a Residential R5 Special Provision (R5-7(\_)) Zone to permit cluster townhouse dwellings and cluster stacked townhouse dwellings. Special provisions would permit a maximum building height of 12 metres for the first 35 metres of lot depth; a maximum building height of 8 metres beyond the first 35 metres of lot depth; and a minimum parking area setback of 7.5 metres from the ultimate road allowance. File: Z-9172  
Planner: C. Lowery.

A total of 23 replies were received.

**Responses:** A summary of the various comments received include the following:

**Concern for:**

*Fit and compatibility:*

Concern that the proposed townhouse units are not compatible with the neighbourhood and the lands would be better suited to be developed with single detached dwellings.

*Loss of vegetation and inadequate buffering:*

Concern that the existing row of cedar trees will not adequately buffer the proposed development from adjacent properties.

*Traffic:*

Concern that the proposed development will result in traffic congestion and that vehicles will create additional noise and lighting issues.

*Hydrogeology:*

Concern that the proposed development may have an impact on the quality and quantity of well water servicing the neighbouring heritage home.

### Responses to Public Liaison Letter and Publication in “The Londoner”

Telephone	Written
Deborah Parker	Dan Doroshenko 374 Foyston Road London, ON N6K 1E6

Keith Lucas 959 Griffiths Street London, ON N6K 3Z5	Steffan and Nancy Jensen 270 Whisperwood Avenue London, ON N6K 4E1
	Ron and Judy Thomson
	Tina Ceneviva 5-1100 Byron Baseline Road London, ON N6K 4M3
	Nancy Pristas 56-1100 Byron Baseline Road London, ON N6K 4M3
	Mary Boyle 3-1100 Byron Baseline Road London, ON N6K 4M3
	Keri Fleet 24-1100 Byron Baseline Road London, ON N6K 4M3
	Terry Bouchard 7-1100 Byron Baseline Road London, ON N6K 4M3
	Carol Breen 18-1100 Byron Baseline Road London, ON N6K 4M3
	Gary Johnson 31-1100 Byron Baseline Road London, ON N6K 4M3
	Tricia Foster-Mohan 30 September Place London, ON N6K 4E7
	Gregory Thurston 18 September Lane London, ON N6K 3Y6
	John McLay 14 September Lane London, ON N6K 3Y6
	Crystal Thurston 14 September Lane London, ON N6K 3Y6



	Doug and Patti Landry 1147 Byron Baseline Road London, ON N6K 2C7
	Julie Lee and Jacquelyn Burkell 1158 Byron Baseline Road London, ON N6K 2C8
	Debbie McNevin 4-1100 Byron Baseline Road London, ON N6K 4M3
	Andrew Graham and Tina Jensen 1138 Byron Baseline Road London, ON N6K 2C8
	Ted Acres 370 Colville Boulevard London, ON N6K 2J5
	Pat Tyne 1143 Byron Baseline Road London, ON N6K 2C7
	Douglas Allman 401 Lansing Avenue London, ON N6K 2J2

**From:** D D  
**Sent:** Wednesday, February 12, 2020 10:03 AM  
**To:** Lowery, Catherine <clowery@london.ca>  
**Subject:** [EXTERNAL] File # Z-9172

Catherine,  
Could you add me to the contact email list for file #Z-9172?  
Property located at:

1146-1156 Byron Baseline Rd.  
Applicant 2186121 Ontario Inc.

Regards,  
Dan Doroshenko

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**From:** Steffen and Nancy Jensen  
**To:** Lowery, Catherine <clowery@london.ca>  
**Subject:** [EXTERNAL] File Z-9172 Here we go again!!!

Hi

If my memory serves me... It took the city of London nearly 2 years to turn down this amendment to the use of this property. The new proposal is not much different... Why are we wasting tax payers dollars and the cities time in looking at this matter again? No should mean no. Have them come up with a proposal that does not require an amendment to the designated use for these 2 properties.

I am not happy that my taxes are going up and pursuing old closed cases is contributing to this increased tax payment.

Regards  
Steffen and Nancy Jensen

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**From:** abcde bcdef  
**Sent:** Tuesday, February 18, 2020 2:00 PM  
**To:** Lowery, Catherine <clowery@london.ca>  
**Subject:** [EXTERNAL] Z-9172 - Proposed Zoning Changes

Good Day,

We recently received notification of a significant change in zoning for 1146-1156 Byron Baseline Rd (Z-9172)

Let me be very clear to communicate that **we in no way** support this proposed change in zoning.

Our reasons that we do not support this zoning change personally are below:

- The character of this neighborhood is single family homes. We choose to live in this area and pay horrendously high taxes in order to provide the best possible environment for our families. These high density townhouses in this location does not fit the character of this neighborhood that we treasure. These properties are zoned single family for a reason. We and our neighbors purchased in this area because it is zoned for single family homes, not apartment buildings.

- Similar townhouses in the vicinity have a much lower density. This property is simply not big enough for 30 town houses. It is not fair for the neighboring houses to have so many units abutting their properties. There is a reasonable expectation that neighbors should not be forced to have so much additional noise and activity affecting their enjoyment of their properties. Remember that we purchase homes with a full knowledge of what the surrounding zoning is.

- An extra 30 units (likely more....) will greatly increase the amount of traffic entering and exiting off of Byron Baseline Road in this location (that is very close to an existing high traffic intersection). This will greatly increase the chances of an accident and it should be very clear that many children and students walk and bike through this intersection. My kids and I use Springbank Park all of the time and we don't want extra traffic roaring out of an apartment building, close to the intersection.

- If this zoning change is approved, what is to stop a future developer from buying 3 or 4 adjacent properties and proposing increased residential density through town houses or an apartment building. They would have precedent for the zoning change if this change is approved. I realize the city wants to increase residential density to minimize the costs of providing services, however this should be done in new neighborhoods where people purchase property knowing what the zoning is.

Again, we in no way support this proposed zoning change. The owner should be required to build houses (if they desire) in a manner consistent with this neighborhood. We support the existing zoning requirements.

The bar for changing zoning should be a high one to meet. It is simply not fair that unwanted changes be forced on neighbors just to enrich a property developer. The motivation is simply to make more money for the developer, and on that basis alone it should be rejected.

Again I want to be clear, I believe this decision has already been made in support of increasing residential density, despite the opposition of people living in the community. These consultations merely tick a box and will not be considered.

Ron & Judy Thomson

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**From:** Tina Ceneviva  
**Sent:** Sunday, February 23, 2020 5:39 PM  
**To:** Lowery, Catherine <clowery@london.ca>  
**Subject:** [EXTERNAL] 1146-1156 Byron Baseline Rd - Zoning By-Law Amendment

As a long-term resident of Byron, at 1000 Byron Baseline Rd, and I am **strongly against** to the change of zoning from Single Detached Dwelling to Cluster Townhouse Dwelling (Residential R1 (R1-7) Zone to R5 (R5-7) Zone.) Byron streets are **not equipped** to handle the traffic that will be created by another apartment complex in addition to the one built on Springbank Drive. These town houses, esthetically do not fit into the look and feel of our established neighbourhood. They would **negatively** contribute to the small town feel of Byron. People enjoy living in Byron because of this small town feel and the townhouses will **destroy our town.**

Very concerned,

Tina Ceneviva

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**From:** Nancy Pristas  
**Sent:** Sunday, February 23, 2020 6:10 PM  
**To:** Lowery, Catherine <clowery@london.ca>  
**Subject:** [EXTERNAL] BYRON/Proposal for Cluster Townhouses

As a long time Byron resident and current property owner at 1100 Byron Baseline Road (for the past 20 years), I'm opposed to the plans to build cluster townhouses just west of my complex. Aesthetically, single family dwellings would be a better fit for that land and for the surrounding properties. Also, traffic heading both westbound and eastbound on Byron Baseline is already challenging during rush hour times.

Thank you.

Nancy Pristas  
1100 Byron Baseline Rd.

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**From:** BOYLE  
**Sent:** Sunday, February 23, 2020 6:11 PM  
**To:** Lowery, Catherine <clowery@london.ca>  
**Cc:** Tina; Richard Bridgman; Debbie McNiven  
**Subject:** [EXTERNAL] Zoning changes for 1146-1156 Byronbaseline rd

I am emailing you regarding this ongoing issue re the lot at the above address I have lived at 1100 Byronbaseline for the past 24 years and have seen many changes in the area The flow of traffic and increased housing out Byronbaseline rd has impacted the area tremendously I feel the zone change will add to the ongoing congestion and will definitely disrupt the essence of the neighborhood Thankyou Mary Boyle  
3-1100 ByronBaseline rd  
London

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**From:** Keri Fleet  
**Sent:** Sunday, February 23, 2020 8:11 PM  
**To:** Lowery, Catherine <clowery@london.ca>  
**Subject:** [EXTERNAL] Zoning changes for 1146-1156 Byron Baseline Road

Good Evening,

I am writing in regards to the application submitted to rezone 1146-1156 Byron Baseline Road.

I have received the letter in regards to this application. I do not believe this application should be approved. The proposed change does not fit the neighbourhood and the size of the property does not allow what is proposed. The 3 story condos as well as the sheer amount of units will cause traffic headaches on an already busy road and will also be out of place from the rest of the neighbourhood. The most that should be allowed on that property is 2 single dwelling residences to stay in line with the neighbourhood.

I hope these reasons will be taken into consideration.

Regards,

Keri

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**From:** Terrance Bouchard  
**Sent:** Wednesday, February 26, 2020 2:07 PM  
**To:** Lowery, Catherine <clowery@london.ca>  
**Subject:** [EXTERNAL] File Z-9172

I am a home owner at 7-1100 Byron Baseline. My preference for my neighbourhood is to keep the current zoning for single family dwellings. Three story townhomes would overlook backyards of current home owners and detract from their esthetics and possibly from their land value. The lot in question could easily hold 4-6 single family homes. If the zoning is passed I would like the city to limit the height to two stories.

Terry T. Bouchard

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**From:** CAROL BREEN  
**Sent:** Thursday, February 27, 2020 12:21 PM  
**To:** Lowery, Catherine <clowery@london.ca>  
**Subject:** [EXTERNAL] File: Z-9172

I am opposed to the application for zoning by-law amendment. A structure of this size would not be consistent with the surrounding neighborhood and seems to be too large to sit on that site. While this is an improvement from the previous proposal, a 3-story structure is still too high and too many units involved. I feel this developer is trying to cram as many people as possible into this small space. He should be proposing to build something that the property is currently zoned for. Again, the number of residents involved would be adding greatly to the already congested intersection of Byron Baseline and Griffith/Lansing as well as Byron Baseline heavy traffic road running through a residential area.

Thanks,

*Carol Breen*  
*18-1100 Byron Baseline Rd.*

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**From:** Gary Johnson  
**Sent:** Thursday, February 27, 2020 2:58 PM  
**To:** Lowery, Catherine <clowery@london.ca>  
**Subject:** [EXTERNAL] FILE: Z-9172 1146/1156 Byron Baseline rd.

I'm in favour of this development.  
I live at 1100 Byron Baseline Rd. Townhouse complex. Just a few yards down the road. This is a much better plan than the last one.

**From:** Tricia Foster-Mohan  
**Sent:** Friday, February 28, 2020 9:13 AM  
**To:** Lowery, Catherine <clowery@london.ca>  
**Subject:** [EXTERNAL] Re: Z-9172 - 1146-1156 Byron Baseline Road Notice of Application

Hi Catherine -

I hope your day is off to a good start!

Thank you for the Notice of Planning Application. I appreciate being notified of the proposed amendments.

I am most definitely opposed to the proposed zoning by-law change. Yes - 3 story townhomes are lower in height than the previous building application for this site was, but it is still much taller than the existing homes surrounding the property. Having anything other than a single detached home on that land will still create problems with vehicle traffic at an already busy residential intersection and concerns for safety of pedestrians crossing. I would also be very concerned for privacy and noise if I lived directly behind or beside these proposed multi-dwellings.

I do feel strongly that the current zoning for that property should remain in effect.

Thank you for your consideration! Have a great weekend.

Tricia Foster-Mohan

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**From:** GREGORY THURSTON  
**Sent:** Friday, February 28, 2020 9:16 PM  
**To:** Lowery, Catherine <clowery@london.ca>  
**Cc:** Dan Doroshenko  
**Subject:** [EXTERNAL] File: Z-9172

Good Evening Ms. Lowery:

I read with interest the latest attempt to develop the vacant lot at 1146-1156 Byron Baseline by a numbered company that we all know is Burani Homes. I am sure you are aware of their last attempt to develop this lot and the outcome. This proposal is, in my opinion, not different enough to warrant consideration. This is a blatant greedy money grab to shoehorn as many units and people into what is a very small lot. The first proposal was for a 38 unit 4 storey apartment, this is 30 units in two buildings, a three storey imposing and uncharacteristic building at the front of the lot and a 2 storey unit near the rear. We live at 18 September Lane which is directly behind the empty lot.

The OMB hearing regarding the first proposal put forth some conclusions that I believe apply to this proposal as well. I will quote from the OMB ruling:

The Tribunal agrees with Ms. O'Hagan that there has been very little, if any, attempt to make this proposal fit within the neighbourhood, nor does the proposal demonstrate sensitivity to its neighbours through urban design responses.

The Tribunal also finds that the proposed development in no way reflects the character of the surrounding, primarily single-detached residential neighbourhood, and cannot be considered to maintain that character or to be compatible with this context.

There is no question that provincial planning policy encourages residential intensification, as does the City's OP. **It is critical, however, to ensure that such intensification is compatible with and sensitive to its context.** The proposed ZBA before the Tribunal falls short of providing such a development, and does not conform with the OP's intensification or urban design policies. While the Tribunal must acknowledge, as the City witnesses did, that there may indeed be an opportunity for intensification on the subject property, it is clearly not in the form of what has been proposed here.

I would like to turn my attention to the urban design brief that was included in the current proposal. The picture on the bottom of page 4 clearly shows an entrance way, parking lots and a variety of other structures that are located on top of an easement. Is it permissible to build such structures on an easement?

On page 7 the following is stated "The cedar hedge surrounding the subject lands will be preserved to provide comfort and safety within the development site". First of all this is not a cedar hedge, rather it is a row of individual trees and it does not surround the subject lands it just appears at the back of the lot. With the addition of the second 2 storey building at the rear of the lot, will this row of trees survive the digging and construction that is associated with that 2 storey building? The "cedar hedge" is referenced again on page 8 in the following; "Privacy – The cedar hedge along the whole of the property allows for proper screening and buffering for the abutting parcels of land. Furthermore, since the proposed developments are of the same height as the abutting lands (bar the low-rise homes across the street), the privacy level for both existing and future (on the proposed development) developments will be upheld." This row of trees does not provide the level of privacy that is suggested. We provided pictures taken from our yards that clearly shows that you can see traffic on Byron Baseline. The "hedge" appears again on page 10: " The cedar hedge along the property line will act as a noise buffer between all abutting properties." I'm not really sure how a row of individual trees that you can clearly see through can be considered a noise buffer.

On page 15, the report references with a picture and the following caption "Figure 16 - three-storey home on the West side of the property". This is not a 3 storey home, rather it is a 2.5 storey home.

In the Urban Design Peer Review Panel minutes dated 2017-12-20 about the original proposal, the following statements where recorded:

Amenity space and front yard buffer required  
Proposal doesn't relate to the heritage buildings in the neighbourhood  
Consider different built form to reflect patterning in the neighbourhood  
Too tall, too big, footprint too large  
Needs amenity space for tenants

I believe that these statements also apply to the new proposal. The one I find most pertinent is the Too tall, too big, footprint too large statement. Although the new proposal is shorter than the original, I would argue that the footprint is just as large if not larger when you consider the 2 building combined and that this project is too big for the subject lot.

We are vehemently opposed to this new proposal.

Sincerely  
Greg Thurston

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**From:** McLay, John  
**Sent:** Sunday, March 1, 2020 5:40 PM  
**To:** Lowery, Catherine <clowery@london.ca>; Hopkins, Anna <ahopkins@london.ca>  
**Cc:**  
**Subject:** [EXTERNAL] 1146 - 1156 Byron Baseline Rd

Good afternoon Catherine and Anna,

My name is John McLay, I live at 14 September Lane in London. I wanted to provide my feedback on the Zoning By-Law Amendment for 1146 – 1156 Byron Baseline Road.

First of all, I am glad to see that Birani Group incorporated much of the feedback from their unsuccessful bid for the 4 story apartment building. The design looks quite attractive if they deliver on the appearance in their Planning submissions (both in the

Urban Design Brief and the Planning Justification Report). I do have some questions and concerns that I want to table with the City of London.

1. There is many references to the Cedar Hedge as the primary privacy provider. This is actually a row of Cedar trees and will continue to grow with less and less privacy at the desired lower levels I consider the desired levels are from the ground level up to the height of 10-15 feet. This was pointed out to Birani Group during their unsuccessful bid so I am disappointed to see the same error repeated or ignored. The primary element in their privacy case is not correct. The transparency of these trees was presented to the City during Birani's failed submission and will be on file with the City already. Please reference those photos again. Does the City have these photos on file still?
  - a. As a side to the Cedar trees, I am worried about damage to their root system during the upcoming construction. How can this be avoided to ensure the long term health of these trees?
2. What is the eventual grading of the property? Will the ground floor of the townhomes be graded at the street level or at the higher level of the property at the back? If graded to the street level, would there need to be a retaining wall along the back of the properties?
3. I am concerned about snow piling during the winter months. So much of the property will be covered in parking or built on, where will the snow be piled during the winter months? This raises many concerns
  - a. Ensure there is sufficient room for snow piling that does not damage the Cedar trees and / or existing fences.
  - b. Melt run off from the snow pile, if the answer to the snow storage is at the back of the property behind the parking lot, will this result in run off towards the homes on September Lane?
  - c. The Urban Design Brief references a "park area will be added near the rear of the site"; this park area is not a park area if it is buried with snow removed from the parking lots.
4. What are the rules for structures for the 2-storey town homes. In Figure 8 of the Urban Design Brief, the town homes are shown with what appears to be sliding patio doors. Are there decks, fences, or any structures allowed outside of these town homes?
5. For the town homes in the first row (3 story closest to Byron Baseline), is there just the single entrance to the homes? This appears to be a fire hazard where a family could be trapped in their home without a second exist option.
6. Birani homes references the apartment building at 1068 Byron Baseline. Not sure what the reference is but it needs to be pointed out that this building is below the grade of Byron Baseline. Any references to the comparable height of this building need to consider the height in from the perspective of the road and neighbouring homes.
7. I am concerned about the garbage and recycling collection for this townhome complex. Will the residences have personal collection or does all garbage and recycling need to be transported to the bins in the parking lot?
  - a. I am worried about the volume of litter that comes naturally from the transportation of materials
  - b. I am also worried about these bins attract birds or mammals that become nuisances to the townhomes and the surrounding homes
8. Figure A.3 in the Planning Justification Report shows a layout of the town homes in which the 2 buildings run perpendicular to Byron Baseline. Is this an alternate layout option that Birani could choose if their re-zoning application is approved?
9. One of the listed features of the property is a park area. I fail to see where there is sufficient space for a park area with so many buildings and required parking jammed into the property
10. Through the Urban Design Brief and the Planning Justification Report, the artist renditions of the structures shows many trees and vegetation that is not existing today. As an example, Figure 5 in the Urban Design Brief shows between 10 -14 trees that make the property some complete, is there a commitment that this quantity of trees are planted? When in the process does this occur?

- a. Due to previous concerns about the privacy claims of the Cedar trees, I am pleased to see all the additional vegetation buffering in their photo's. I want insurance Birani has a commitment to this vegetation buffering and that we have something they are bound to.
11. Can I request the population density of the town home complex at 1100 Byron Baseline?

In general, this property seems over populated. As I previously stated, the proposed structure is nice. It appears that there are just too many being jammed onto the property. Over population intensifies many of the issues I have raised above. I am disappointed with Birani Group that they again chose to proceed without any community involvement. When I joined the City Of London's planning meeting where City Council voted on the previous Birani proposal, it was evident from the other property proposals that the builders worked with the community. This was even pointed out by one of the question from the spectators. Birani states in Planning Justification Report that "A neighbourhood meeting is anticipated to occur in the later part of 2019 or in the early part of 2020"; this appears to be lip service as no such meeting has occurred. Please disregard any statements Birani makes about community involvement, their actions do not support their words in either this or their previous proposals.

Thank you,

John and Melinda McLay  
14 September Lane

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**From:** Crystal Thurston  
**Sent:** Tuesday, March 3, 2020 10:31 PM  
**To:** Lowery, Catherine <clowery@london.ca>  
**Subject:** [EXTERNAL] Z - 9172

March 3, 2020

Re: File: Z-9172 Applicant: 2186121 Ontario Inc.

Good afternoon Ms. Lowery,

I was very disappointed with the new proposal for the vacant lot on Byron Baseline Rd. I went over the proposal thoroughly, and I am finding that many, if not all of my initial concerns with the developer's first proposal have not been alleviated. The most pressing concerns are regarding the proposal's size, footprint, lack of compatibility with the surrounding neighbourhood, and the negative affect on privacy of the immediate surrounding homes.

I see that an attempt has been made to decrease the density and height of the initial proposal, but in my opinion, they have not scaled back enough. All things considered, when comparing both proposals, the only difference is that they have changed the main structure from 4 storeys to three, increased the front set back, but then added another structure very close to the rear of the property of two storey townhouses! This has increased the footprint as compared to the first proposal! To me, it seems that all that they have done is replace the initially proposed rear parking lot with a row of homes, and reduced the front structure by one storey. This is not enough!

My main concern lies with the front structure; the back to back, three storey townhouses. This carries with it the same concerns that I had with a four storey apartment. Since the front set back has been increased, this pushes the building closer to the rear of the property, and I am having a difficult time seeing how this will allow enough room to have a drive way plus another row of two story townhomes! This front structure will push these townhomes too close to the rear of the property and very negatively affect the privacy of these neighbours (as well as the privacy of the families moving into these townhomes).



I also have a concern with regards to the integrity of the existing trees, and the ability to plant new trees with the townhomes being so close to the rear of the property.

A more appropriate level of intensification would be to replace this three storey structure with another row of townhomes. These townhomes would not have to be so wide, which would allow the rear townhomes to move forward slightly, while maintaining the setback at the front of the property. Two rows of two storey townhomes would be less imposing, would take away the need for a large parking lot and lighting, and would be a much better fit for the neighbourhood in everyway.

I feel that two storey townhomes would most all of the negative findings from the Tribunal last year, and the neighbourhood, city and developer could move forward in a positive direction.

Thank you for considering my remarks.

Sincerely,

Crystal Thurston (18 September Lane)

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**From:** Doug Landry  
**Sent:** Wednesday, March 4, 2020 12:43 PM  
**To:** Lowery, Catherine <clowery@london.ca>; Hopkins, Anna <ahopkins@london.ca>  
**Cc:** Doug Landry  
**Subject:** [EXTERNAL] Zoning By-Law Amendment - File #Z-9172

We are reaching out at this time to respond to the Application for an amendment to the Zoning for the properties which are directly across the street from our home. The application is requesting the zoning be changed from Residential R1 (R1-7) Zone to a Residential R5 (R5-7) Zone.

We have read and reviewed the documents posted as it pertains to this application and have several concerns with respect to this request for a zoning by-law amendment.

Their request details the zoning amendment to allow for a 30 unit cluster townhouse development consisting of 24 3-storey stacked back-to-back townhouse units and a 6 2-storey townhouse unit. However, the Heritage Impact Statement, Page I of the Executive Summary suggest that they are proposing a 36 unit stacked townhouse development divided into two separate building blocks of 24 units 12 units. Given that the Notice of Planning Application document, last page where the conceptual rendering notes say that "the above images represent the applicant's proposal as submitted and may change"...this raises red flags for us. In their prior zoning by-law request a couple of years ago, we found the applicant to be non-compliant with requests, not being honest in their "fact full" documents presented, many inconsistencies and inaccuracies were presented, as well as not representing the current community and our neighborhood. The R5-7 zoning that is being requested, as noted, allows for a maximum density of 60 units per hectare...it says the proposed development will be 55 units per hectare.....again, we are not confident that this applicant will keep this build to a 30 unit townhouse development.

Furthermore, in the Urban Design Brief document, page 5, it details 7 design goals and objectives for this proposed development, none of which will be achieved from a community/neighborhood perspective...it does NOT fit within the surrounding area and context....it will not improve the streetscape...it will not offer protection of significant site vegetation. With respect to the objective of ensuring privacy between the proposed development and abutting properties....we have lived at our property for several years now and the "vegetation privacy" might be better in the summer when the foliage is flourishing, however, in the winter time when the vegetation is dormant, from our home we can even see the homes that are just to the south of this property....this will be highly intrusive for the homes directly to the south. Due to the sloping of the lands, from south to north, the last goal/objective will not be able to be configured into the existing

neighborhood. We are not confident that this applicant is sympathetic to any residents concerns to this application and from past experience, would not be willing to work with us.

The parking lot is not compatible with the hardscape in our area. As well, the parking lot will be noisy with cars coming and going at all hours. Noting that headlights from cars exiting the driveway will shine directly into the front of our house(s), where our bedrooms are located. Where will the overflow be for those that live/visit the tenants....the winter time and piles of snow will not provide for their 45 parking spaces...which is the minimum allowed for the proposed 30 units.

Byron Baseline road is already too busy at peak hours and this "intensification" will add more congestion to this section of the street. You have to know the traffic chaos and congestion will be further increased by vehicles stopping on Byron Baseline road in front of this development to make short visits, deliveries, etc., rather than pulling into the parking lot. NO amount of signage or enforcement, in order to prevent this from happening will deter people from doing this....furthering the traffic chaos and congestion. We have several school buses that make stops on this section of the road...one of them a handicapped bus....we already have witnessed several impatient drivers pass this bus while they are stopped with their lights flashing and stop arm out while they are unloading the challenged child and other children....

We are not opposed to development or intensification in our neighborhood, however, we do not believe the proposed application suits our Byron community or more importantly, our neighborhood.

This is NOT the best "fit" for this property, this is a quiet residential neighborhood. We have all worked hard to update and keep our properties aesthetically appealing. This proposed development would be not be aesthetically appealing in any way, shape or form and would negatively impact our property values and "our neighborhood".

Kindest Regard  
Doug and Patti Landry  
1147 Byron Baseline Road

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Julie Lee and Jacquelin Burkell  
1158 Byron Baseline road  
London, Ontario  
N6K 2C8

March 4, 2020

Catherine Lowery  
Development Services  
City of London  
300 Dufferin Avenue, 6<sup>th</sup> Floor  
P.O. Box #5035  
London, Ontario N6A 4L9

**VIA E-MAIL: [clowery@london.ca](mailto:clowery@london.ca)**

Dear Ms Lowery:

**RE: SUBMISSIONS re Proposed Zoning Amendment/development – File Z-9172 1146 – 1156 Byron Baseline road, London, Ontario**

We are the co-owners and residents of the home located at 1158 Byron Baseline Road, and we are writing in order to provide comment regarding the proposed "cluster/stacked townhomes" at 1146 – 1156 Byron Baseline Road.

Our home is situated on the southeast corner of Griffith and Byron Baseline Road directly adjacent, on the west side, to the proposed three storey stacked townhouse development. Our home is on London's Heritage register and is historically and culturally significant to the Byron Village community. As found by the Local Planning Appeal Tribunal in their decision dated January 23, 2019, our home was determined to be a landmark, 2.5 storeys rather than 3 in height, and there were deep concerns that the originally proposed development did not attend to the need to ensure continued visibility of the heritage home.

In our view, the new proposal for the three storey, stacked townhouses is a significantly improved as compared to the Applicant's earlier proposal. That said, we have a number of concerns which remain unaddressed or ill-considered in the current proposal. Specifically, they are as follows:

- **INCOMPLETE/NON-COMPREHENSIVE HERITAGE IMPACT ASSESSMENT:**

It is critical that planning decisions are made taking into account the full spectrum of the cultural, historical and architectural features which characterize the 1158 Byron Baseline property. We are privileged to have met Louise Calhoun when we first took ownership of the home. Ms Calhoun (then in her late 90's) is the niece of the home's builder and provided us with a great deal of history (including photographs of the original build) with regard to the home and its significance for the Byron community. With respect, the Heritage Impact Assessment failed to identify and/or acknowledge many of these features/criteria in their evaluation as required by O. Reg. 9/06. Not only did the HIA fail to acknowledge that the Planning Tribunal had already found the home to be a "landmark", but the HIA does not acknowledge the unique and high degree of craftsmanship of the builder, Mr Cyril Wells. Mr. Wells built the home in 1911 using hand-made molds (not purchased cinder blocks as suggested in the HIA), for both the blocks as well as the highly articulated arches and columns which are uniquely characteristic of this home. Consequently, the building's "design and craftsmanship" needs to be acknowledged.

Please also note that the HIA indicates that "no permission" was granted for a more detailed analysis and/or attendance on our property. We did not receive any such request from Stantec Consulting (the HIA assessors). We would most certainly be happy to permit such a viewing/attendance in order to ensure that the full heritage significance of the home is taken into account in the planning process.

- **OVER-STATEMENT REGARDING THE "CEDAR HEDGE SURROUNDING THE PROPERTY" as an EFFECTIVE BUFFER:**

The proposal repeatedly relies on the existence of a 'robust' cedar hedge 'surrounding the property' to provide buffering between the new development and the existing properties. There is, however, no such hedge between our property and the proposed development. Indeed, as acknowledged in the HIA, there is only 'shrub vegetation' between the proposed development and our home. In fact, there is only a spotty and inconsistent presence of some shrubs, cedars and aging Manitoba Maple trees on the border between our property and the property being developed. We further note that the cedar hedge is dwindling and inconsistently growing on the south edge of the property. The Planning Justification report indicates that 'peering is effectively dealt with through the site setbacks and existing vegetation'. In the case of our property, we contend that this is manifestly inaccurate, and that the existing vegetation provides no visual barrier between the proposed development and our 2.5 storey home.

Consequently, it is our position that the existing vegetation (sparse, inconsistent and aging) is insufficient for the purpose of providing a

reasonable buffer between the developed property, our home, and the homes to the south.

Given that the proposed stacked townhouses are most proximate to our home, we must insist that this issue be given much more serious attention in the plan. Indeed, it is our view that a wall should be installed in order to provide reasonable buffering, as well as to attend to proper urban design criteria. We also

- **LACK OF GREEN SPACE WITHIN DEVELOPMENT:**

The urban design brief indicates that the proposed development will have 'a lot of open green space within the site'. We are concerned that, contrary to this claim, the site plan provides no recreational space aside from a small gazebo, and no other green space beyond the perimeter setbacks. The site plans detail a very intensive use of the property, which is inconsistent with neighbourhood standards.

- **RISK OF SERIOUS IMPACTS ON OUR WELL WATER SYSTEM:**

We rely on well water for our household water supply. We are totally dependent upon the well for water, including drinking water. Our property does not have city water service. The well on our property existed long before the provincial requirement for well construction records (1911). The well, which has been consistently serviced by Staintons Limited for a number of years (predating our ownership of the home), is a drilled well approximately 100 feet deep. Our well is situated close to the eastern edge of our property (located within an outbuilding), and thus close to the proposed development of both stacked townhomes. Thus, as acknowledged in the HIA, excavations and construction would very proximate to our well. Pile driving or any type of construction method involving percussion would risk the integrity of our well system/water.

The well provides, and has provided for as long as we have owned our home, an ample supply of high-quality water used for all household purposes. We have never had a problem with water quantity, nor were any such problems reported by the previous owners of our home. Over the past twenty years we have regularly secured water tests for our well water with respect to coliform and e. coli, and our well water remains of high quality according to these assessments. In 2019, we undertook a more comprehensive "Well Wise Water Test for Metals, Minerals and Salts" evaluation of the well water (report dated September 20, 2018), to establish the baseline (current) for the quality of our well water. The results of this independent assessment are consistent with those put forward in the Hydrogeological Assessment (dated September 27, 2018). Both assessments indicate that the well water meets or exceeds regulation standards in every tested area except hardness.

The Hydrogeological Report indicates that 'potential water quantity or quality impacts to the well at 1158 Byron Baseline Road are unlikely'. We are nonetheless putting the city and developer on notice that we will seek damages if there is any negative impact on our system and/or water quality in the event of this development. We also request that the developers provide details regarding the contingency plan for the provision of a temporary water supply to our residence should the amount or quality of the water supplied by the well be negatively impacted during construction. The quality and quantity of the well water must be established post-construction through a process agreeable to the homeowner, and any and all expenses related to this assessment should be covered by the developer.

- **RISK OF INDIRECT DAMAGE TO HOME THROUGH ADJACENCY TO DEVELOPMENT:**

We are pleased that the HIA identified the potential for vibration impacts on our home and property from construction activities. Consequently, in addition to the need that this project take every precaution with respect to our well, we also urge the plan to integrate the three recommendations as set out in the HIA. These recommendations are:

- (i) Use of buffer zones and site plans to indicate where project activities, including construction activities, may be avoided including areas within 50 metres of the residence and outbuilding at 1158 Baseline road;
- (ii) Where construction activity must enter into the 50 metre buffer zone, a pre-construction vibration assessment should be completed to establish a baseline for vibration levels;
- (iii) Should any properties within the study area be determined to be within the zone of influence determined through the vibration assessment, additional steps should be taken to secure the buildings from experiencing negative vibration effects (i.e., adjustment of machinery).

In addition to the implementation of these three recommendations, it is our position that the Applicant, and any of its Agents (i.e., contractors, etc.), must maintain open, consistent, and transparent communications with regard to the implementation of these recommendations and ongoing construction activities. This ongoing communication requirement must ensure the Applicant's reasonable and timely responsiveness to any negative impact identified by us throughout the development.

In closing, we very much appreciate the opportunity to articulate our position in relation to this proposed zoning amendment. We would welcome to attend a public participation meeting in order to provide our input.

Sincerely,

Jacquelyn Burkell, PhD

Julie Lee, LLB

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**From:** Debbie McNevin  
**Sent:** Wednesday, March 4, 2020 3:55 PM  
**To:** Lowery, Catherine <clowery@london.ca>  
**Subject:** [EXTERNAL] Zoning By-Law Amendment 1146-1156 Byron Baseline Rd

Attn: Catherine Lowery,

This neighbourhood is made up of single or two story buildings. In keeping with that theme, cluster townhouse dwellings of two stories maximum, and placed more than 10 metres back from the public sidewalk would be acceptable.

Regards,  
Debbie McNevin  
1100 Byron Baseline Rd

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**From:** Andrew Graham  
**Sent:** Wednesday, March 4, 2020 4:32 PM  
**To:** Lowery, Catherine <clowery@london.ca>  
**Subject:** [EXTERNAL] Z-9172

Hi Catherine,

I live at 1138 Byron Baseline Rd (only 3 lots away from proposed planning Z-9172). At this time I don't have any comments, so far plans look ok, but please keep me informed along the process.

Regards,

Andrew G.

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**From:** Acres, Ted  
**Sent:** Wednesday, March 4, 2020 4:47 PM  
**To:** Lowery, Catherine <clowery@london.ca>; Hopkins, Anna <ahopkins@london.ca>  
**Subject:** Re: 1146 -1156 BYRON BASELINE ROAD FILE : Z-9172

Catherine Lowery,

Planner II  
Development Services  
City Of London

**Re: 1146 -1156 Byron Baseline Road**  
**File: Z-9172**

In response to a recent notice of planning application, once again on the properties of 1146 to 1156 Byron Baseline Road, by the absentee property owner again whom demolished the four homes during the road reconstruction of Byron Baseline almost four years ago and now is trying to force in Multifamily, High density units into a single family residential area once again. As you are aware in fact the entire area is entirely a Single family SFD R1 zone this is just unacceptable.

The said absentee property owner tried to bring in four to six story Multifamily, High density apartment units a couple of years ago without any success due to the numerous variances and non-compliances encountered at that time required to make fit his proposal.

We simply do not understand why is the City Of London Planning Department is once again entertaining another Multifamily, High density Units proposal into an entirely single family residential area again exceeding the height, density and set back restrictions.

To name but a few

My apologies but it's not just the proposed unsightly building, the increased traffic volumes and the individual homes property values depreciation due to three and four storey cluster/ staked town housing complex with resident renters whom have no vested interest in the complex or in the area itself

In talking to the neighbours of late there is a petition being circulated again the same as the last time with the proposed apartment buildings two years ago. The answer is to simply construct four nice Single family homes as those that were taken down. But I understand this is not his plan to make his cash turn around on the property

Concerned resident

Thanks,  
*Ted Acres*  
Charles E. (Ted) Acres, BA,CTech, rcsi/rcca.  
370 Colville Blvd ,  
London, Ontario, N6K 2J5

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**From:** Pat Tyne  
**Sent:** Friday, June 26, 2020 3:12 PM  
**To:** Lowery, Catherine <clowery@london.ca>  
**Subject:** [EXTERNAL] RE: Z-9172 - 1146-1156 Byron Baseline Rd

Dear Ms Lowery,

Firstly, although I had previously requested to be on the City's emailing list to receive ANY and ALL notifications/information regarding the Zoning Bylaw Amendment to the above-noted property I'm still not getting the emails. Fortunately, (but sometimes too late) I've received "some" communications from other concerned neighbors. Please add my email address to the list:

Secondly, my husband and I live across the street from what will be a monstrosity of a structure and we are vehemently opposed to the proposed development for the following reasons:

a) 3 storey buildings will NOT aesthetically fit into our neighborhood. "Most" of the homes closest to this development are 1 storey bungalows. (Please do NOT be fooled by their claim that a 12 storey building exists "across the street". If you actually visit our neighborhood you'll see that building is at least THREE BLOCKS to the North of us!)

b) We are very concerned about the extra traffic congestion the many occupants, their visitors and any deliveries made to them will create. This street is already too busy at times and we have school buses carrying children (some that are handicapped!!) that stop just a few meters away from where the entrance to this complex will be.

c) The night noise and vehicle lights! Our bedrooms face this development and the comings and goings of vehicular traffic will greatly effect our sleep and the peace and quiet we have all become accustomed to. Many of us are retirees - some with health issues who need their sleep!

d) Birani's inability to be upfront and honest about his intentions in the past continues to be very unsettling to say the least!! In the Notice of Planning Application document, it states "the above images represent the applicant's proposal as submitted and may change". What the hell is THAT!!

This is our second time around with Birani and little has changed. He is still scheming to put as many dwellings as possible on this small piece of land previously occupied by TWO houses just to make a buck. Can we please put a stop to this Zoning Bylaw Amendment Application once and for all.

Thank you,  
Pat Tyne  
1143 Byron Baseline Rd

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**From:** Douglas F Allman  
**Sent:** Wednesday, July 1, 2020 7:00 PM  
**To:** Lowery, Catherine <clowery@london.ca>  
**Cc:** Hopkins, Anna <ahopkins@london.ca>  
**Subject:** [EXTERNAL] 1146 - 1156 Bryon Baseline Road, File Z-9172, Applicant 2186121 Ont. Inc.

**Dear Madams:**

**Site Plan:** I received and reviewed the latest Zoning By-law Amendment regarding 1146 - 1156 Byron Baseline Road a 28-unit cluster townhouse development. The revised Site Concept Plan & Conceptual Rendering **does not fit the current architecture of the surrounding neighbourhood**, although I must admit I do like the design. I appreciate that the current owner of this property wants a quick resolve to their building design, but a 3-story complex at the front of this property facing Byron Baseline is ludicrous.

**Traffic flow calming:** With that being said, there will be a minimum of 28 automobiles to a maximum of 56 that will require parking. Visitors to this townhouse project will add even more cars to our ever-increasing flow of traffic. I live on Lansing Avenue, a small one block street that has seen a traffic flow escalate since all the road work on North Street was completed a few years back (Lynden Cres. & Lansing Ave. are now a short cut off Commissioner's to Griffith Street & westward). I have complained to both our



Ward Councillor and City Police of the continuous high flow of traffic on a once very quiet street. Speed of these vehicles is also a concern and it won't be resolved until someone is seriously injured or killed. The corner of Lansing/Griffith & Byron Baseline is another concern with cars not coming to a complete stop (four way stop) or simply drivers ignoring the stop signs & going right through the intersection without stopping. Yes, I have nearly been broadsided on 3 occasion and the only reason I wasn't is due to my being very cautious when entering same. But cars still ignore traffic rules of the road. I have not seen a police cruiser observing the traffic flow at this intersection, during rush hours, for quite some time now.

With this project comes more traffic, not only on Byron Baseline, but Lynden/Lansing streets as well as this short cut will soon be discovered by all those living in this townhouse project. If this project is approved now or in the not too distant future, whether it's this design or another, I am asking that you give strong consideration to a stop light being installed at the corners of Byron Baseline and Lansing/Griffith streets. Please do something before it's too late. Thank you,

Douglas F. Allman

### **Agency/Departmental Comments**

#### February 19, 2020: London Hydro

London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. However, London Hydro will require a blanket easement.

#### March 2, 2020: Upper Thames River Conservation Authority (UTRCA)

The Upper Thames River Conservation Authority (UTRCA) has reviewed this application with regard for the policies in the *Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006)*. These policies include regulations made pursuant to Section 28 of the *Conservation Authorities Act*, and are consistent with the natural hazard and natural heritage policies contained in the *Provincial Policy Statement (2014)*. The *Upper Thames River Source Protection Area Assessment Report* has also been reviewed in order to confirm whether these lands are located in a vulnerable area. The Drinking Water Source Protection information is being disclosed to the Municipality to assist them in fulfilling their decision making responsibilities under the *Planning Act*.

### **CONSERVATION AUTHORITIES ACT**

The subject lands **are not** affected by any regulations (Ontario Regulation 157/06) made pursuant to Section 28 of the *Conservation Authorities Act*.

### **DRINKING WATER SOURCE PROTECTION: Clean Water Act**

The subject lands have been reviewed to determine whether or not they fall within a vulnerable area (Wellhead Protection Area, Highly Vulnerable Aquifer, and Significant Groundwater Recharge Areas). Upon review, we can advise that the subject lands **are** within a vulnerable area. For policies, mapping and further information pertaining to drinking water source protection, please refer to the approved Source Protection Plan at: <https://www.sourcewaterprotection.on.ca/approved-source-protection-plan/>

### **RECOMMENDATION**

As indicated, the subject lands are not regulated by the UTRCA and a Section 28 permit application will not be required. The UTRCA has no objections to this application.

#### March 11, 2020: London Advisory Committee on Heritage (LACH)

- i) The Civic Administration BE ADVISED that the London Advisory Committee on Heritage (LACH) is satisfied with the research, assessment and conclusions of the Heritage Impact Assessment (HIA) included with the above-noted Notice of Planning Application, and is satisfied that the proposed development will not have an adverse impact on adjacent cultural heritage resources; it being noted

- that the LACH supports the recommended mitigation measures outlined in the HIA; and,
- ii) the possibility of designating the property located at 1158 Byron Baseline Road, under Part IV of the Ontario Heritage Act, BE REFERRED to the Stewardship Sub-Committee for review;

April 2, 2020: Engineering

A holding provision is required to ensure that Hydrogeological Assessment Recommendations described in Stormwater comments, below, are addressed.

Additionally, the following items are to be considered during the future development application stage:

*Transportation:*

- Right of way dedication of 18.0m from centre line required along Byron Baseline Road
- Detailed comments regarding access design and location will be made through the site plan process

*Water:*

- Water is available for the subject site via the municipal 300mm PVC watermain on Byron Baseline Road.
- Any existing water service to the site shall be abandoned to City of London Standards
- Water service to the block shall not create a regulated drinking water system.

*Sewers:*

- The sanitary sewer available for the subject lands is the 200mm sanitary sewer on Byron Baseline Road.
- The Applicant's Engineer must determine the size and location of a new san. p.d.c. for the proposed apartment building, all to City Standards and to the satisfaction of the City Engineer.

*Stormwater:*

- There is a 1200mm storm sewer traversing the site (Municipal 1146 Byron Baseline Road). No structures shall be erected within the municipal easement and the storm sewer shall not be disturbed in any way.
- As per as-build plan # 11265, only a portion of the site at C=0.5 is tributary to the existing 1200mm storm sewer along the municipal easement traversing 1146 Byron Baseline Road and therefore changes in the C=0.5 and catchment area size require to accommodate the proposed development will trigger the need for on-site SWM control design to the satisfaction of the City Engineer . The design of on-site SWM controls shall include, but not be limited to required storage volume calculations, flow restrictors sizing, etc.
- Any proposed LID solution should be supported by a Geotechnical Report and/or hydrogeological investigations prepared with focus on the type of soil, its infiltration rate, hydraulic conductivity (under field saturated conditions), and seasonal high ground water elevation. The report(s) should include geotechnical and hydrogeological recommendations of any preferred/suitable LID solution.
- If the number of at grade parking spaces exceed 29, the owner shall be required to have a consulting Professional Engineer addressing the water quality to the standards of the Ministry of the Environment, Conservation and Parks (MECP) and to the satisfaction of the City Engineer. Applicable options could include, but not be limited to the use of oil/grit separators, catchbasin hoods, bioswales, etc. along with the required inspection/sampling maintenance hole.
- The subject lands are located in the Central Thames Subwatershed. The Developer shall be required to provide a Storm/drainage Servicing Report demonstrating that the proper SWM practices will be applied to ensure the maximum permissible storm run-off discharge from the subject site will not exceed the peak discharge of storm run-off under pre-development conditions.

- The Owner agrees to promote the implementation of SWM Best Management Practices (BMP's) within the plan, including Low Impact Development (LID) where possible, to the satisfaction of the City Engineer.
- The owner is required to provide a lot grading plan for stormwater flows and major overland flows on site and ensure that stormwater flows are self-contained on site, up to the 100 year event and safely conveys up to the 250 year storm event, all to be designed by a Professional Engineer for review.
- The Owner shall allow for conveyance of overland flows from external drainage areas that naturally drain by topography through the subject lands.
- Stormwater run-off from the subject lands shall not cause any adverse effects to adjacent or downstream lands.
- An erosion/sediment control plan that will identify all erosion and sediment control measures for the subject site and that will be in accordance with City of London and MECP standards and requirements, all to the specification and satisfaction of the City Engineer. This plan is to include measures to be used during all phases of construction. These measures shall be identified in the Storm/Drainage Servicing Report.
- As per the City of London's Design Requirements for Permanent Private Systems, the proposed application falls within the Central Subwatershed (case 4), therefore the following design criteria should be implemented:
  - the flow from the site must be discharged at a rate equal to or less than the existing condition flow;
  - the discharge flow from the site must not exceed the capacity of the stormwater conveyance system;
  - the design must account the sites unique discharge conditions (velocities and fluvial geomorphological requirements);
  - "normal" level water quality is required as per the MOE guidelines and/or as per the EIS field information; and
  - shall comply with riparian right (common) law.
  - The consultant shall update the servicing report and drawings to provide calculations, recommendations and details to address these requirements.
- Based on the information in the Hydrogeological Assessment Report, prepared by LDS, for the proposed residential development at 1146-1156 Byron Baseline Road, the risk of an interference effect from the development on the well itself is fairly low. All of the monitoring wells advanced by LDS within the development footprint were dry upon completion, and the information provided by the homeowner on their well indicates that it is advanced to a fairly significant depth (approximately 30.0 metres below ground surface (mbgs)), when compared to the excavation and servicing depths for the development (likely, 3.0 to 4.0 mbgs). If this development is ultimately approved, the following must be completed, prior to the initiation of construction:
  - The depths and measurements provided by the homeowner be verified by a report issued by a licensed well contractor. It is our understanding that the homeowners already retain a licensed well contractor to perform regular maintenance on their well. A copy of any report(s) from this well contractor would be sufficient.
  - That a raw water (i.e., pre-treatment) sample be obtained from the well prior to the start of construction. If a raw water sample cannot be obtained due to the plumbing from the well, then a tap sample can be collected. The parameters to be analyzed should be adequate to properly assess raw water quality of the aquifer, and should also include Bacteriological parameters (total coliforms, E.coli, and heterographic plate count).
  - That a contingency plan be prepared, by a Qualified Professional (QP), in the event of a well interference effect or well complaint from the homeowner. The contingency plan should include a provision of providing a temporary water supply via temporary piped water supply, or trucking municipal water into the property to meet the daily needs for residence.

- That the monitoring wells installed as part of the Hydrogeological Assessment Report be decommissioned by a licensed well contractor prior to the start of construction.
- Additional SWM related comments will be provided upon future review of this site.

#### May 7, 2020: Archaeology

This memo is to confirm that I have reviewed the following and find the report's (analysis, conclusions and recommendations) to be sufficient to fulfill the archaeological assessment for complete application requirements (Z-9172):

- Stantec Consulting Ltd. *Stage 1-2 Archaeological Assessment: Proposed Townhome Development at 1148 Byron Baseline Road* (P256-0575-2019), June 14, 2019.

Please be advised that heritage planning staff recognizes the conclusion of the report that states that: “[n]o archaeological resources were identified during the Stage 2 archaeological assessment for the study area. Thus, in accordance with Section 2.2 and Section 7.8.4 of the MTCS’ 2011 Standards and Guidelines for Consultant Archaeologists (Government of Ontario 2011), no further archaeological assessment of the study area is required.” (p i)

An Ontario Ministry of Tourism, Culture and Sport (MTCS) archaeological assessment compliance letter has also been received, dated June 19, 2019 (MTCS Project Information Form Number P256-0575-2019, MTCS File Number 0010824).

Archaeological conditions can be considered satisfied for this application.

#### May 11, 2020: Heritage

##### **1. Overview**

1146-1156 Byron Baseline Road is the subject property for a zoning by-law amendment application to allow a 30-unit cluster townhouse development. The subject property is adjacent to 1158 Byron Baseline Road – a 2½ -storey Queen-Anne styled house built in c1890. 1158 Byron Baseline Road is a LISTED property on the City’s *Register*. It has been identified as having potential heritage significance that requires further evaluation due to its use of manufactured stone, concrete block and decorative stonework and features including Ionic columns and stained glass.

As/per Policy 586 of *The London Plan* (LP), Stantec Consulting Ltd. prepared a heritage impact assessment (HIA – August 6, 2019) – on behalf of 2186121 Ontario Inc. – as part of a complete application for the zoning by-law amendment (Z-9172). The primary purpose of the HIA is to assess potential impacts of the proposed townhouse development on the cultural heritage value and attributes of 1158 Byron Baseline Road and surrounding context, and to also make recommendations to mitigate any adverse impacts that may arise. The primary goal of the HIA is to “demonstrate that the heritage attributes of heritage designated properties or properties listed on the *Register* will be conserved.” (LP, p143) Because 1158 Byron Baseline Road is not presently designated under the *Ontario Heritage Act*, integral to the submitted HIA was a Cultural Heritage Evaluation using O.Reg. 9/06 to determine if the property retains cultural heritage value or interest.

##### **2. Assessment of Impact – Comments + Summary**

Development Services heritage planning staff has reviewed the heritage impact assessment (HIA) for 1158 Byron Baseline Road and appreciates the completeness and thoroughness with which the HIA has been prepared, as well as the analysis undertaken that directly addresses impacts and suggests mitigative measures. Staff particularly notes and supports the following assessment summary points:

- The property at 1158 Byron Baseline Road meets the criteria of O.Reg. 9/06 for heritage designation under Part IV of the *Ontario Heritage Act* for its direct historical association with the Wells family, and also as a rare example of a rusticated concrete block residence and a representative Ontario vernacular

residence with Queen Anne and Edwardian influences.

- Generally, there will be no direct impacts specifically to the heritage attributes that were identified in the O.Reg. 9/06 evaluation as the proposed development will be entirely restricted to the adjacent property at 1146-1156 Byron Baseline Road. See Table 3 below from the HIA (p6.2).

**Table 3: Evaluation of Potential Impacts to 1158 Byron Baseline Road**

Heritage Attribute	Potential for Direct Impact		Potential for Indirect Impact				
	Destruction	Alteration	Shadows	Isolation	Obstruction	Change in Land Use	Land Disturbances
Historical association with the Wells family	N	N	N	N	N	N	N
Two and one-half storey structure	N	N	N	N	N	N	P
Medium-pitched hip roof with projecting gable bays on front and east façades	N	N	N	N	N	N	P
Rusticated concrete block exterior with concrete band between exterior and foundation	N	N	N	N	N	N	P
Projecting gable bays on front and east façades	N	N	N	N	N	N	P
Bargeboard, brackets, and fish scaling in gable peaks or front and east projecting gable bays	N	N	N	N	N	N	P
Concrete columns in second storey window openings	N	N	N	N	N	N	P
Concrete drip moulds, lintels, and sills	N	N	N	N	N	N	P
Arched porch with concrete columns	N	N	N	N	N	N	P
Rusticated concrete block foundation	N	N	N	N	N	N	P
Outbuilding clad in buff brick and metal	N	N	N	N	N	N	P

- There are potential indirect impacts to the property through its adjacency to the proposed development at 1146-1156 Byron Baseline Road which could result in vibration impacts specifically within 50 metres of construction activities. See Table 3 above from the HIA (p6.2).

Although the proposed development will not directly affect identified heritage attributes at 1158 Byron Baseline Road, there is an abrupt change in landuse and form of development from 1148-1156 to 1158 Byron Baseline Road, resulting in concerns of compatibility. The difference in height and massing, along with the close proximity of the new development to the property line at 1158, creates challenges in visually transitioning from new to existing.

### 3. Additional Comments Related to Proposal

At its May 5<sup>th</sup> 2020 meeting, the London Advisory Committee on Heritage (LACH) stated that it was “satisfied with the research, assessment and conclusions of the Heritage Impact Assessment (HIA) [for 1158 Byron Baseline Road] and is satisfied that the proposed development will not have an adverse impact on adjacent cultural heritage resources.” (2.1/7/PEC) Further note that:

- the LACH supports the recommended mitigation measures outlined in the HIA; and,
- the designation of the property be referred to the Stewardship Sub-Committee for review.

### 4. Conclusions + Recommendations

The applicant should incorporate the mitigative measures that have been recommended in the HIA, specifically (HIA, p i):

- Use of buffer zones and site plans to indicate where project activities, including construction activities, may be avoided including areas within 50 metres of the residence and outbuilding at 1158 Byron Baseline Road.
- Where construction activity must enter into the 50 metre buffer zone, a pre-construction vibration assessment should be completed to establish a baseline for vibration levels in advance of construction activities.

- Should any properties within the study area be determined to be within the zone of influence as determined through the vibration assessment, additional steps should be taken to secure the buildings from experiencing negative vibration effects (i.e. adjustment of machinery).

Finally, Development Services heritage planning staff encourages the applicant to consider some site design refinements to help soften the visual contrast at the western edge of the development; between new and existing building forms. Increasing the setback at the western edge of the proposed development will allow for a more substantial and effective buffering of the development at this edge. A wider swath of buffering can include dense tree plantings and shrubbery, and a combination of landscape features (walls, screening) and berming along this edge may also be accommodated.

#### May 12, 2020: Urban Design

Urban Design staff commend the applicant for incorporating the following into the design of the site and buildings: locating built form along the Byron Baseline frontage setback in-line with adjacent properties; Locating the taller built form along the street while transitioning to a lower built form at the rear of the site, in keeping with the 2-storey single detached homes to the south of the site; Providing for orientation and an active building edge along the street; Providing for appropriate scale/ rhythm/ materials/ fenestration on the buildings; Including an appropriately sized and located outdoor amenity area; and, locating all of the parking in the side yard and interior of the site.

In order to ensure that the ultimate development incorporates the key design aspects of the conceptual plan, provide for provision in the Zone that will ensure the following:

- Transition from north to south across the site (limiting the taller stacked back-to-back towns to the front portion of the site while allowing for the 2-storey towns at the rear);
- The location of built form along the street frontage (in line with the adjacent houses); and
- The location of parking in the side yard and/or interior to the site.

Urban design staff have been working closely with the applicant through the rezoning process to address many of the design concerns that have been raised by the Urban Design Peer Review Panel (UDPRP), and City staff. Staff will continue to work with the applicant through a subsequent Site Plan Application to ensure past concerns regarding landscape buffers, garbage location and collection, parking lot design, building design, and location of the amenity area are implemented in the final design.

## **Appendix C – Policy Context**

The following policy and regulatory documents were considered in their entirety as part of the evaluation of this requested land use change. The most relevant policies, by-laws, and legislation are identified as follows:

### ***Provincial Policy Statement, 2020***

#### **Section 1.1 – Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns**

1.1.1 b)

1.1.1 c)

1.1.1 e)

1.1.3

1.1.3.1

1.1.3.2

1.1.3.3

1.1.3.4

1.4 - Housing

1.4.1

1.4.3 b)

1.4.3 d)

1.7 – Long Term Economic Prosperity

1.7.1 e)

2.6 – Heritage and Archaeology

2.6.2

2.6.3

### ***The London Plan***

(Policies subject to Local Planning Appeals Tribunal, Appeal PL170100, indicated with asterisk.)

Policy 7\_ Our Challenge, Planning of Change and Our Challenges Ahead, Managing the Cost of Growth

Policy 54\_ Our Strategy, Key Directions, Direction #1 Plan Strategically for a Prosperous City

Policy 55\_13. Our Strategy, Key Directions, Direction #1 Plan Strategically for a Prosperous City

Policy 59\_1, 2, 4, 5. Our Strategy, Key Directions, Direction #5 Build a Mixed-use Compact City

Policy 61\_10. Our Strategy, Key Directions, Direction #7 Build Strong, Healthy and Attractive Neighbourhoods for Everyone

Policy 62\_10. Our Strategy, Key Directions, Direction #8 Make Wise Planning Decisions

Policy 66\_ Our City, Planning for Growth and Change

Policy 79\_ Our City, City Structure Plan, The Growth Framework, Intensification

\*Policy 83\_ Our City, City Structure Plan, The Growth Framework, Intensification

Policy 84\_ Our City, City Structure Plan, The Growth Framework, Intensification

Policy 252\_ City Building Policies, City Design, How Are We Going to Achieve This, Site Layout

Policy 253\_ City Building Policies, City Design, How Are We Going to Achieve This, Site Layout

\*Policy 255\_ City Building Policies, City Design, How Are We Going to Achieve This, Site Layout



Policy 256\_ City Building Policies, City Design, How Are We Going to Achieve This, Site Layout

\*Policy 257\_ City Building Policies, City Design, How Are We Going to Achieve This, Site Layout

\*Policy 258\_ City Building Policies, City Design, How Are We Going to Achieve This, Site Layout

\*Policy 259\_ City Building Policies, City Design, How Are We Going to Achieve This, Site Layout

\*Policy 261\_ City Building Policies, City Design, How Are We Going to Achieve This, Site Layout

\*Policy 266\_ City Building Policies, City Design, How Are We Going to Achieve This, Site Layout

Policy 474\_13 City Building Policies, Civic Infrastructure, How Are We Going to Achieve This, Water

Policy 554\_2 City Building Policies, Cultural Heritage, What Are We Trying to Achieve

Policy 586\_ City Building Policies, Cultural Heritage, Specific Policies for the Protection, Conservation and Stewardship of Cultural Heritage Resources, Individual Heritage Properties

Policy 608\_ – 611\_ City Building Policies, Cultural Heritage, Archaeological Resources

Policy 743\_ City Building Policies, Green and Healthy City, How Are We Going to Achieve This, Green City Strategy, Clean Water and Water Conservation

\*Table 10 Range of Permitted Uses in Neighbourhoods Place Type

\*Table 11 Range of Permitted Heights in Neighbourhood Place Type

\*Policy 919\_ Place Type Policies, Urban Place Types, Neighbourhoods, Approach for Planning Neighbourhoods – Use, Intensity and Form

\*Policy 937\_ Place Type Policies, Urban Place Types, Neighbourhoods, Residential Intensification in Neighbourhoods

\*Policy 939\_ Place Type Policies, Urban Place Types, Neighbourhoods, Forms of Residential Intensification

\*Policy 953\_ Place Type Policies, Urban Place Types, Neighbourhoods, Residential Intensification in Neighbourhoods, Additional Urban Design Considerations for Residential Intensification

\*Policy 1578\_ Our Tools Planning and Development Applications, Evaluation Criteria for Planning and Development Applications

## **1989 Official Plan**

### 3.2 – Low Density Residential Designation

#### 3.2.1 – Permitted Uses

#### 3.2.2 – Scale of Development

#### 3.2.3 – Residential Intensification

##### 3.2.3.2 – Density and Form

3.7 – Planning Impact Analysis

13.2.3.1 – Alteration or Demolition on Adjacent Lands

17.7.3(i) – Well-Head Protection

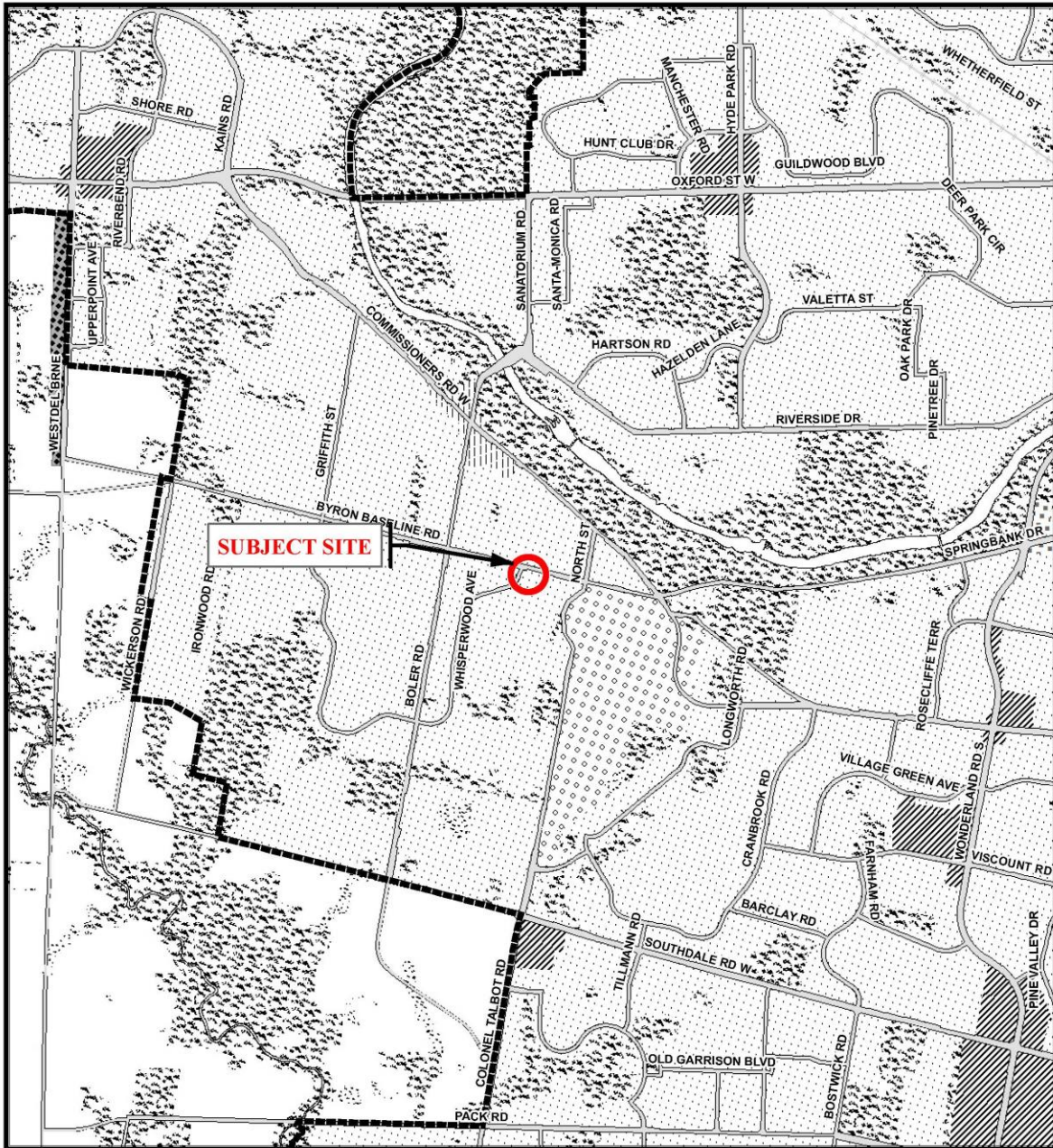
<b>3.7 Planning Impact Analysis</b>	
<b>Criteria</b>	<b>Response</b>
Compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area.	The proposed land use is contemplated use in the Official Plan, similar to other uses in the area, and contributes to a variety of housing forms within the neighbourhood.
The size and shape of the parcel of land on which a proposal is to be located, and the ability of the site to accommodate the intensity of the proposed use;	The revised site concept achieves an intensity that allows for other on-site functions such as guest parking, emergency services and open space.
The supply of vacant land in the area which is already designated and/or zoned for the proposed use;	There is no vacant land in the area already designated and/or zoned for the proposed use.
The proximity of any proposal for medium or high density residential development to public open space and recreational facilities, community facilities, and transit services, and the adequacy of these facilities and services.	The site is located in relative proximity to a commercial plaza to the west at the intersection of Byron Baseline Road and Boler Road. The site is located approximately 600 metres from Springbank Park
The need for affordable housing in the area, and in the City as a whole, as determined by the policies of Chapter 12 - Housing.	The proposed development is in an area in need of affordable housing units and provides for a mix of housing types which is inherently affordable.
The height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses;	The scale/height of the proposed three-storey stacked back-to-back townhouse building is mitigated by the proposed front yard setback. The building has been sited with an 8 metre front yard setback, consistent with the setbacks of neighbouring properties. Impacts on adjacent properties, such as overlook and light penetration, would be mitigated through a combination of yard depth, appropriate space for landscape screening, and photometric analysis/mitigation at the site plan approval stage. The two-storey townhouses proposed at the rear of the site are designed at a building height consistent to that of the neighbouring single detached dwellings to the south. This site configuration provides for the taller building to be located along the arterial road (Byron Baseline Road) with the shorter building cascaded towards the single detached dwellings immediately abutting the site.
The extent to which the proposed development provides for the retention of	The proposed development provides for the retention of an existing row of cedar

<p>any desirable vegetation or natural features that contribute to the visual character of the surrounding area;</p>	<p>trees along the south property line, which contribute to the visual character of the surrounding area and provide screening. Additional screening opportunities through vegetation will be considered at a future Site Plan Approval stage. Site concept revisions provide additional green spaces, including landscape islands in the parking areas and an enlarged amenity area, in which tree planting can occur.</p>
<p>The location of vehicular access points and their compliance with the City's road access policies and Site Plan Control By-law, and the likely impact of traffic generated by the proposal on City streets, on pedestrian and vehicular safety, and on surrounding properties</p>	<p>Transportation Planning and Design was circulated on the planning application and development proposal and is satisfied that driveway location and design can be addressed at the site plan approval stage. Byron Baseline Road is a high-order street and is intended to move medium to high volumes of vehicular traffic at moderate speeds.</p>
<p>The exterior design in terms of the bulk, scale, and layout of buildings, and the integration of these uses with present and future land uses in the area;</p>	<p>Urban Design staff commend the applicant for incorporating the following into the design of the site and buildings: locating built form along the Byron Baseline frontage setback in-line with adjacent properties; Locating the taller built form along the street while transitioning to a lower built form at the rear of the site, in keeping with the 2-storey single detached homes to the south of the site; Providing for orientation and an active building edge along the street; Providing for appropriate scale/ rhythm/ materials/ fenestration on the buildings; Including an appropriately sized and located outdoor amenity area; and, locating all of the parking in the side yard and interior of the site.</p>
<p>The potential impact of the development on surrounding natural features and heritage resources;</p>	<p>No natural heritage features are present that will be affected by the proposed development.</p>
<p>Constraints posed by the environment, including but not limited to locations where adverse effects from landfill sites, sewage treatment plants, methane gas, contaminated soils, noise, ground borne vibration and rail safety may limit development;</p>	<p>N/A</p>
<p>Compliance of the proposed development with the provisions of the City's Official Plan, Zoning By-law, Site Plan Control By-law, and Sign Control By-law;</p>	<p>The requested amendment is consistent with the in-force policies of the Official Plan. Further, the proposed form of development will be reviewed for conformity to the in force Official Plan policies and comply with the City's regulatory documents prior to approval of the ultimate form of development through the Site Plan Approval process. The requirements of the Site Plan Control By-</p>

	law have been considered through the design of the site to ensure functionality, including provision of landscape islands, drive aisle widths, and functional garbage storage system.
Measures planned by the applicant to mitigate any adverse impacts on surrounding land uses and streets which have been identified as part of the Planning Impact Analysis;	As discussed above, tree planting and building massing treatments are expected to mitigate minor adverse impacts on the surrounding land uses.
Impacts of the proposed change on the transportation system, including transit	The residential intensification of the subject lands will have a negligible impact on the transportation system and provide a more transit-supportive form of development.

# Appendix D – Relevant Background

## Additional Maps



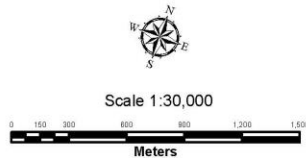
**Legend**

- |                        |                          |   |
|------------------------|--------------------------|---|
| Downtown               | Future Community Growth  | Environmental Review                    |
| Transit Village        | Heavy Industrial         | Farmland                                |
| Shopping Area          | Light Industrial         | Rural Neighbourhood                     |
| Rapid Transit Corridor | Future Industrial Growth | Waste Management Resource Recovery Area |
| Urban Corridor         | Commercial Industrial    | Urban Growth Boundary                   |
| Main Street            | Institutional            |   |
| Neighbourhood          | Green Space              |   |

*This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.*

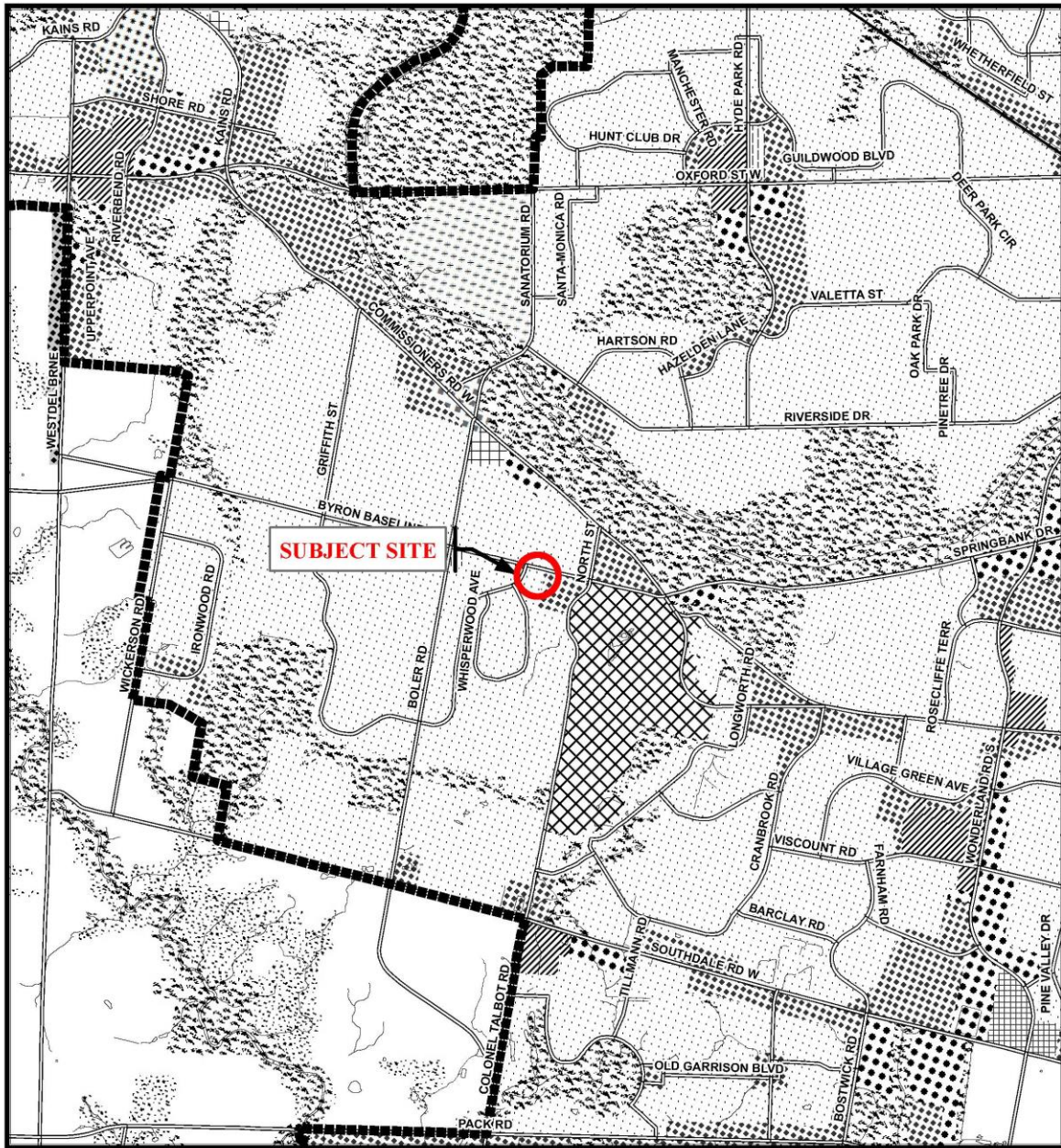
*At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.*

**CITY OF LONDON**  
 Planning Services /  
 Development Services  
  
**LONDON PLAN MAP 1**  
**- PLACE TYPES -**  
 PREPARED BY: Planning Services



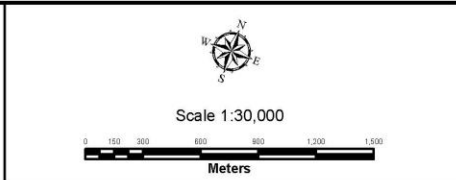
**File Number:** Z-9172  
**Planner:** CL  
**Technician:** RC  
**Date:** June 01, 2020





Legend	
	Downtown
	Enclosed Regional Commercial Node
	New Format Regional Commercial Node
	Community Commercial Node
	Neighbourhood Commercial Node
	Main Street Commercial Corridor
	Auto-Oriented Commercial Corridor
	Multi-Family, High Density Residential
	Multi-Family, Medium Density Residential
	Low Density Residential
	Office Area
	Office/Residential
	Office Business Park
	General Industrial
	Light Industrial
	Regional Facility
	Community Facility
	Open Space
	Urban Reserve - Community Growth
	Urban Reserve - Industrial Growth
	Rural Settlement
	Environmental Review
	Agriculture
	Urban Growth Boundary

**CITY OF LONDON**  
 Department of  
 Planning and Development  
 OFFICIAL PLAN SCHEDULE A  
 - LANDUSE -  
 PREPARED BY: Graphics and Information Services



FILE NUMBER: Z-9172  
 PLANNER: CL  
 TECHNICIAN: RC  
 DATE: 2020/06/01





**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:**

1) *LEGEND FOR ZONING BY-LAW Z-1*

- |   |                                   |
|---|-----------------------------------|
| R1 - SINGLE DETACHED DWELLINGS            | RF - REGIONAL FACILITY            |
| R2 - SINGLE AND TWO UNIT DWELLINGS        | CF - COMMUNITY FACILITY           |
| R3 - SINGLE TO FOUR UNIT DWELLINGS        | NF - NEIGHBOURHOOD FACILITY       |
| R4 - STREET TOWNHOUSE                     | HER - HERITAGE                    |
| R5 - CLUSTER TOWNHOUSE                    | DC - DAY CARE                     |
| R6 - CLUSTER HOUSING ALL FORMS            | OS - OPEN SPACE                   |
| R7 - SENIOR'S HOUSING                     | CR - COMMERCIAL RECREATION        |
| R8 - MEDIUM DENSITY/LOW RISE APTS.        | ER - ENVIRONMENTAL REVIEW         |
| R9 - MEDIUM TO HIGH DENSITY APTS.         | OB - OFFICE BUSINESS PARK         |
| R10 - HIGH DENSITY APARTMENTS             | LI - LIGHT INDUSTRIAL             |
| R11 - LODGING HOUSE                       | GI - GENERAL INDUSTRIAL           |
| DA - DOWNTOWN AREA                        | HI - HEAVY INDUSTRIAL             |
| RSA - REGIONAL SHOPPING AREA              | EX - RESOURCE EXTRACTIVE          |
| CSA - COMMUNITY SHOPPING AREA             | UR - URBAN RESERVE                |
| NSA - NEIGHBOURHOOD SHOPPING AREA         | AG - AGRICULTURAL                 |
| BDC - BUSINESS DISTRICT COMMERCIAL        | AGC - AGRICULTURAL COMMERCIAL     |
| AC - ARTERIAL COMMERCIAL                  | RRC - RURAL SETTLEMENT COMMERCIAL |
| HS - HIGHWAY SERVICE COMMERCIAL           | TGS - TEMPORARY GARDEN SUITE      |
| RSC - RESTRICTED SERVICE COMMERCIAL       | RT - RAIL TRANSPORTATION          |
| CC - CONVENIENCE COMMERCIAL               | "h" - HOLDING SYMBOL              |
| SS - AUTOMOBILE SERVICE STATION           | "D" - DENSITY SYMBOL              |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | "H" - HEIGHT SYMBOL               |
| OR - OFFICE/RESIDENTIAL                   | "B" - BONUS SYMBOL                |
| OC - OFFICE CONVERSION                    | "T" - TEMPORARY USE SYMBOL        |
| RO - RESTRICTED OFFICE                    |                                   |
| OF - OFFICE                               |                                   |

**CITY OF LONDON**

PLANNING SERVICES / DEVELOPMENT SERVICES

**ZONING  
 BY-LAW NO. Z-1  
 SCHEDULE A**



FILE NO:

Z-9172

CL

MAP PREPARED:

2020/06/01

RC

1:1,250

0 5 10 20 30 40  
 Meters

THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS



**Additional Reports**

August 13, 2018: Report to Planning and Environment Committee – Zoning By-law  
Amendment application for 1146-1156 Byron Baseline Road (Z-8847)

Bill No. (number to be inserted by Clerk's Office)  
2020

By-law No. Z.-1-20\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to  
rezone an area of land located at 1146-  
1156 Byron Baseline Road.

WHEREAS 2186121 Ontario Inc. has applied to rezone an area of land  
located at 1146-1156 Byron Baseline Road, as shown on the map attached to this by-  
law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of  
London enacts as follows:

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to  
lands located at 1146-1156 Byron Baseline Road, as shown on the attached map  
comprising part of Key Map No. A106, from a Residential R1 (R1-7) Zone to a  
Holding Residential R5 Special Provision (h-5\*h-183\*R5-7(\_)) Zone.
- 2) Section Number 9.4 of the Residential R5 (R5-7) Zone is amended by adding the  
following Special Provision:
  - ) R5-7( ) 1146-1156 Byron Baseline Road
    - a) Regulations
      - i) Building Height 12 metres (39.37 feet)  
for a Lot Depth of  
35 metres (114.8 feet)  
(Maximum)
      - ii) Building Height 8 metres (26.2 feet)  
For a Lot Depth Beyond  
35 metres (114.8 feet)  
(Maximum)
      - iii) Parking Area Setback 7.5 metres (24.6 feet)  
From the Ultimate Road  
Allowance (Minimum)

The inclusion in this By-law of imperial measure along with metric measure is for the  
purpose of convenience only and the metric measure governs in case of any discrepancy  
between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with  
Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage  
of this by-law or as otherwise provided by the said section.

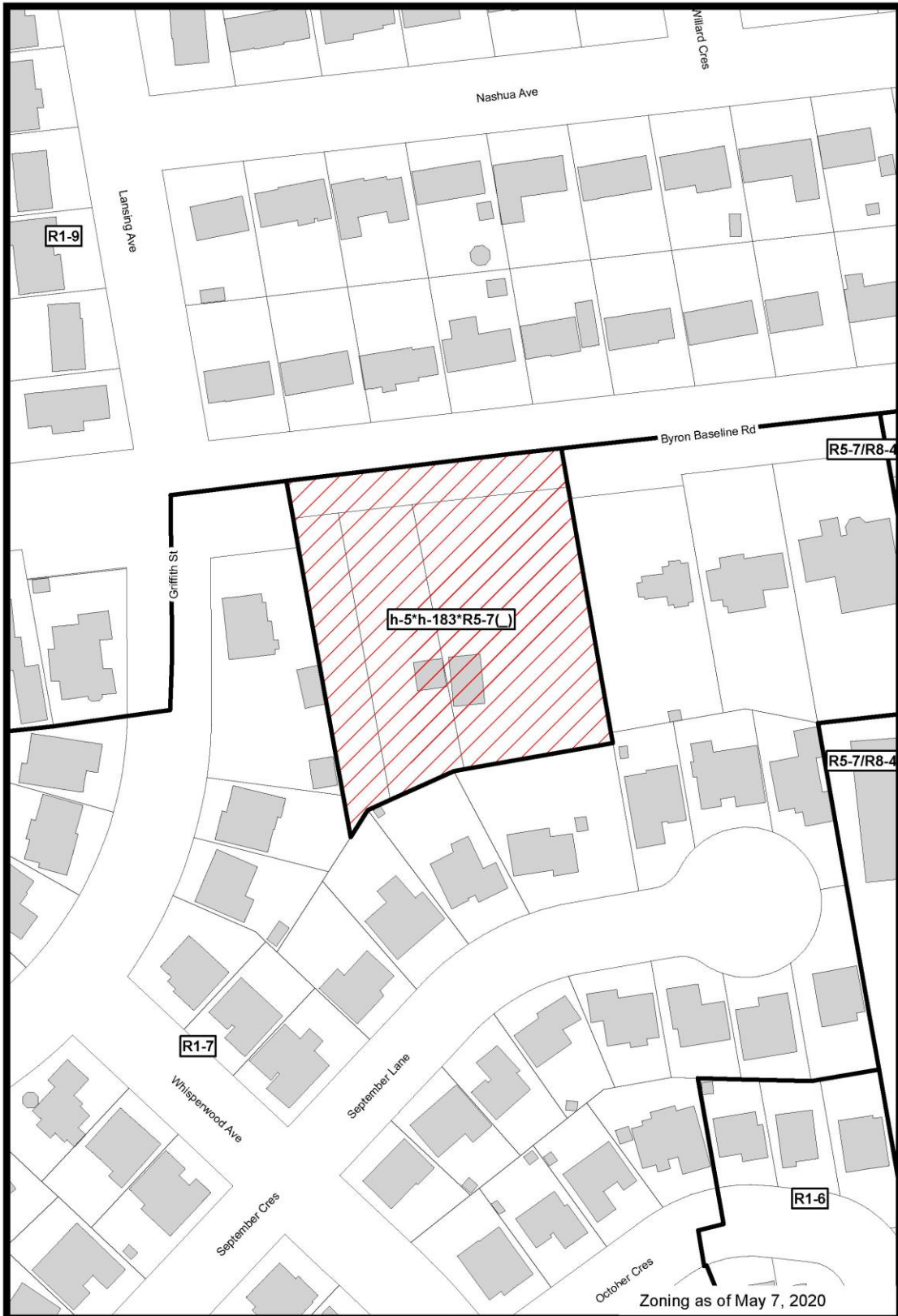
PASSED in Open Council on July 21, 2020.

Ed Holder  
Mayor


Catharine Saunders  
City Clerk

First Reading – July 21, 2020  
Second Reading – July 21, 2020  
Third Reading – July 21, 2020

AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



File Number: Z-9172  
Planner: CL  
Date Prepared: 2020/06/01  
Technician: rc  
By-Law No: Z.-1-

SUBJECT SITE   
1:1,250  
0 5 10 20 30 40 Meters



## PUBLIC PARTICIPATION MEETING COMMENTS

### 3.4 PUBLIC PARTICIPATION MEETING – 1146-1156 Byron Baseline Road (Z-9172)

- Councillor Cassidy: Thank you Ms. Lowery. Is the applicant here and would the applicant like to address the Committee?
- Ali Briani: I'm joined today by Karla and Ahmed Briani and we're here, obviously for the proposal of the development at 1145-1156 Byron Baseline Road. First off I would just like to thank everyone for coming and I'd like to thank the City of London for being able to make such a safe and easy environment for us to be able to meet and discuss, and it's such a fast way as well. I'd also like to thank, most notably, Jerzy and Catherine for helping us, maybe for, it's been about a year now, especially with Jerzy, with urban design, and Catherine for the last five or six months, in really guiding us to where we've gotten now. We wouldn't have been able to do any of this without you guys. Catherine basically hit the nail on everything so I'll keep it nice and short. I'll just tell you about most of our objectives for this project. We just really want to improve the aesthetics of Byron Baseline Road and to create a better and more positive streetscape image. We also want to eliminate the vacant aspect of land, not only for us, but also for the city and also for the neighbourhood. We have a strong desire to keep the natural cedar hedge on the perimeter of the property and we've actually just discussed over the last year, with your engineers and surveyors, of how we could do this, and mainly it would be through the use of a retaining wall to make sure that, during the construction and after the development would be built, that the vegetation would stay intact and you could see that in our planning report. Most importantly, we want to ensure the privacy of all the abutting properties as well because we are keen on, you know, creating privacy. At the end of the day these will be town homes that will be sold and we would want privacy for that development as well as all the neighbours. We have done our best to ensure, in terms of design that it matches and it fits with the neighbourhood. We understand that obviously new construction won't necessarily conform to mid-century style homes but we've done our best to make sure that it seems like a best fit for the neighbourhood. Lastly, we understand the sensitivity around infill residential construction and intensification and we've tried to make this as timid intensification as we could and we've worked really hard alongside Catherine and Jerzy to make sure that we followed whatever they recommended, as for the London Plan. That's it from us, we'll try to keep it short, so I'll now pass the baton to whoever's next. Thank you.
- Councillor Cassidy: Thank you. So, I see we have a number of people in the gallery. There's somebody in committee room four. Are you here to speak to this issue as well? Okay, can you state your name and then you have five minutes.
- Greg Thurston, 18 September Lane: 18 September Lane is immediately behind the site of the proposed buildings. As we've heard in 2017, the same developer brought a proposal forward that the city did not feel was a good fit for our neighborhood. The developer took the proposal to LPAT where it was also seen as a bad fit. Now developers brought forth a new proposal, which in my mind, is very similar to the original one with one glaring exception. They essentially took a floor off the four-storey apartment building and put it on the ground. When the developer presented the original proposals to the Peer Panel Review on December 20, 2017, these comments were made: need to look at reducing the height or townhouse model, needs to better relate to the street, consider different built-form reflective patterning in the neighbourhood, too big, too tall, footprint too large. Although they call the building in the front of the lot a three-storey cluster townhouse, it is, in fact, very similar in shape and size to the original four storey apartment building. The new proposal does not address these recommendations. In fact, the one that drew my attention was the one that stated that the footprint was too large. A footprint

takes up space on the ground, by definition. This new proposal has a bigger footprint than the original proposal. Looking at the ruling from the LPAT hearing issued on January 23, 2019, the following are quotes: "The city witnesses indicated that staff may be willing to consider and potentially recommend a more modest intensification proposal for the subject property, such as a townhouse development." The core issue is one of compatibility with the character of the neighborhood. The proposed development 1) should employ innovative and creative urban design techniques to ensure maintenance of the neighborhood's character and compatibility; 2) overpowers its neighbouring uses; 3) represents over-development of the subject property, as reflected by the substantially reduced front yard setback, parking layout and driveway proposed to be located within a municipal servicing easement; 4) which is not located at an intersection and is located among single detached dwellings would appear drastically out of character with the surrounding area; 5) in no way reflects the character of the surrounding primarily single detached residential neighborhoods." The report went on to say that both the height and front yard setback are out of character for this neighborhood and are not compatible. The front yard setback represents a dramatic shift from the existing setbacks on Byron Baseline Road and is not a good fit for this neighborhood. The unique height and form of the corner heritage listed property, next to the subject property, creates an identifiable landmark in the community and that the reduced side yard setback and location of the proposed building blocks views to this landmark building. The proposal makes no attempt to protect the privacy of adjacent properties, and in particular, those to the rear of the subject property on September Lane. Although all these comments relate to the original proposal from 2017, in my opinion they still ring true. The original proposal and what was discussed today has talked about and put a lot of stock in the cedar shed that separates the subject land with the homes immediately behind it. I commissioned a certified arborist to take a look at this hedge. First and foremost, it's not a hedge, it is a row of individual trees, as reflected in this statement: "the definition of a tree is defined as an erect woody plant reaching over four metres in height with a distinct crown and with the trunk measuring at least 7.5 centimetres in diameter, measured 1.4 metres from the natural ground level." The white cedar trees meet all the requirements of a tree. The white cedar trees have never had any maintenance, pruning or shaping during the entire time of their life-cycle. For cedar trees to be classified as a hedge, they would have to have been trimmed and pruned early in their life-cycle and had continuous pruning to encourage growth and creating a thickness to them which would create privacy. By allowing these trees to grow wild, they are now classified as trees and not a hedge. They provide less than 30% privacy to the backyards and houses located on September Lane. The report goes on to state: "any excavation, digging or destruction to the soil within 3.6 metres of the tree will cause significant damage to the roots and will result and die-back and potentially the death of the cedar trees, which will then have to be removed." As the recommendation therefore states, I recommended no digging or disturbances, such as compaction from equipment, driving on the roots be done within 3.6 metres of the cedar trees as this will cause significant damage to the roots, which will result in significant decline or death to the cedar trees. *(Councillor Cassidy: You have about fifteen seconds Mr. Thurston.);* The 3.6 metre distance is taken from the London Street Protection By-law. I spoke at length about a lot of things, what does it mean? I believe, and many of my neighbors believe the same way, that this proposal is not significantly different than the original proposal and that the city should not be granting the zoning by-law. Thank you.

- Councillor Cassidy: Thank you. Are there any members of the public in a committee room or in the gallery who would like to speak to this? I'll go to committee room one first. If they would just make their way to the microphone, state your name and then you'll have five minutes.



- Patty Landry, 1147 Byron Baseline Road: Right across the street from the proposed amendment. My husband Doug and I live across the street. We had already provided our comments and concerns in an email to the city, including our Council representative, Anna Hopkins, back in early March. I'm here speaking today to encourage each and every committee member to seriously consider the impact that this proposed application will have on our neighborhood. In a CBC radio interview yesterday, our Council representative Anna Hopkins said it is all about finding the right balance. We couldn't agree more, however, I'm here today to say this is not the right balance. It may be our community, but this is also our neighborhood, it's our front yards and our backyards. We understand a great number of people have come forward to oppose this proposed infill. This, in itself, should not go unnoticed by this Committee, especially our Council representative Anna Hopkins. We have reviewed the application as well as the applicant's reports and drawings, both original and revised, and are not confident that at the end of the day that what has been applied for will actually be built. Given that, in the conceptual rendering notes and the notice of the planning application, it says that the above images represent the applicant's proposal as submitted and may change. This raises red flags for us. In their prior zoning by-law request a couple years ago, we found the applicant to be non-compliant with requests and were not being honest in their fact full documents presented. We felt many inconsistencies and inaccuracies were presented. The reports did not accurately reflect or represent the community and our neighborhood. The R5-7 zoning that is being requested now, and has noted, allows for maximum density of sixty units per hectare, it says the proposed development will be fifty-two, again, we are not confident that this applicant will keep this build to a twenty unit townhouse units. They are also trying to cheat more units by stacking the townhouses. This land, with its slopes, and neighbouring properties, is more suited for one or two storey units, not their proposed three storey units. In addition, the allocated parking spots in the proposal just meet the minimum allowance. Come winter time they will have far less parking spaces available. Where will they park? Where will their visitors park? There is no parking allowed on our street. I can almost guarantee, I see it now, regardless of any enforcement, they will stop on the street and park on the street. This will create further headaches and block the bike lanes. We are not opposed to development or intensification in our neighbourhood, however, we do not believe the proposed application suits our vibrant community, or more importantly, our neighbourhood. In conclusion, once again we're urging this Committee to recommend to Council that this zoning application be denied. We are encouraging the Committee to review the comments and feedback received to date from our concerned neighbours. A tremendous amount of people have written in and there should not be ignored. Before I conclude I just want to add a couple things. I noticed that Catherine, in her initial intro, said that there's two garages on the property not in use. They are absolutely in use, they are used every day. These are storage units they use for their business, so they're in and out of there constantly throughout the day and on the weekend. I just can't believe that planning is trying to recommend going through with this amendment given even Greg's comments that it's not much different than the original one. I don't feel their objectives are sincere. It just comes down to the almighty desires. *(Councillor Cassidy: Can I just interrupt you there? You made a couple of comments that accuse the developer of being dishonest and now insincere I just want to caution you, please, that we don't ascribe nefarious or dishonest motives, we'll be respectful, please just be respectful.)*; I'm just going back on some of the notes that even city hall and made with respect to some of the things that happened in the last one, so yeah, those are probably not chosen words. That's basically it. I just want to thank you for your time and consideration.

- Councillor Cassidy: Thanks very much. I'm just going let Mr. Schulthess speak.

- Michael Schulthess: Thank you and sorry for the interruption. Through the chair, the transcriptionist services are no longer required. Thank you very much for your time today.

- Councillor Cassidy: I just want to say, I apologize, I keep going to the members of that are here in the gallery. We don't have microphones here in the gallery, so obviously people that have chosen to sit in the gallery are people that don't wish to address the Committee and if I'm wrong about that and you want to speak to the Committee, somebody will take you back to one of the committee rooms where you can speak into a microphone so it will be heard on the record. So now go to committee room one, if you want to state your name and you have five minutes.

- John McLay, 14 September Lane: My backyard bordered on the proposed building site. My first thought of the proposal is my disappointment in the lack of community involvement in building that Briani Group has demonstrated in building the proposal. This leaves the community no choice but to voice our concerns in this public forum. On page four of their planning justification report Briani Group states a neighbourhood meeting is anticipated to occur in the latter part of 2019 or in the early part of 2020. This has not happened. We all understand that actions speak louder than words. This is equally true for non-actions. Non-actions in any community involvement demonstrate the statement as shallow words that do not stand the test of time. This is the second time we have dealt with Briani on the proposal for the same site. For the first proposal we hosted community meetings and invited Briani to speak at those meetings. No dialogue has occurred on this new proposal. When I attended the Planning and Environment Committee meeting in August 2018, when the City reviewed the previous Briani proposal, we sat through many other builder proposals, including a sensitive SOHO development plan. In all other cases that evening, the builder not only involved the community in their proposals, but the community was at the meeting to share their support for the proposal. It seems all right that this lack of discussion with Briani Group leads us to a lack of transparency and, therefore, the distrust. I have asked Ms. Lowery about twelve questions about the site. Many of the answers just finally came back that that is something that would be determined at the site planning level and I worry that we will continue to not have a voice at that table, if it gets processed. On page ten of the urban design brief there's a statement: "the natural site vegetation/cedar hedge provides as a screen and buffer for the two storey townhomes at the back of the site." As Greg pointed out, this is a row of cedar trees, not a hedge. As such, it does not meet the privacy statements claimed the urban design brief as cedar trees do not provide privacy at the desired eye level, let's call that zero to ten feet. If the trees survived the construction the privacy benefits of the trees do not come down, they only go up. If the proposal proceeds, there is planting required on the north side of the cedar trees to obtain the privacy screen buffer the proposal describes. I would now like to talk about the footprint. I find it impossible to believe this proposal is not too big for the property. Why else would three zoning provisions be required, one for the height of the first row of townhomes, one for the height of the second row townhomes, and the third for the parking area setback. So, in other words, we want to build the first building taller than the rules allow, we want to build our second building taller than the rules allow and, subsequently, we have so many people on the site that we can't park there without stretching the parking boundaries. It is clearly too big. I request of you that you do not approve this rezoning, decline this request, and Briani Group to develop a new proposal in conjunction with the community that allows intensification without building code allowances. Thank you.

- Councillor Cassidy: Thank you Mr. McLay. Are there other members of the public who would like to speak to this? In committee room five. Come to the microphone state your name and you have five minutes.

- Julie Lee: Good afternoon Madam Chair, your Worship, Council Members and Committee Members. I live in the heritage designated home directly abutting on the west side of the proposed development. I want to make it clear that I adopt all of the submissions that have been made by my neighbours with respect to concerns regarding this proposal. I'm not going to repeat the concerns but I do want to emphasize a couple of things. One, I'm glad to hear some discussion with respect to the geological integrity of our well. That well is well over a hundred years old and is many feet down into the ground. We depend on that for our day to day water. We do not want to be in a situation where we're forced to redress some harm to that well and we will hold all of the city and the developer accountable if that does happen. The difficulty here is, and we've heard this theme, the difficulty here is that we're not sure that our concerns are being heard or being responded to, which puts us in a very, I would say, opposing kind of relationship with the developer which is very unfortunate. Our neighbourhood supports infill, it supports the expansion of the availability of housing to Londoners and welcoming new Londoners, but the relationship with this developer has been extraordinarily poor. What I see that is different today is that it appears that the young Biranis, and it was nice to hear from them today, have developed a good relationship with the City. That's an improvement over the first go at the development but they have failed to similarly develop relationships with the neighbours. So we have to fight about things, as to what the definition of a tree is as compared to a hedge, because there's not truth telling about the fact that the privacy that they're relying on in the existing cedar trees will be enough to respond to the community. What is not happening here is an open, frank discussion with the neighbours about what's a tree and what's not a tree, what's a hedge, how do you propose to keep our privacy? So what I'm asking for is to recognize that there is, procedurally, a difference between the input at site planning and at this point. I think that the flaw, at this point, is, as set out by my friends and my neighbours, and in particular what we have to be mindful of, is much more open in the consultation process. For those reasons, I'm requesting that the Committee at least adjourn this decision until that that kind of consultation has occurred. Alternatively, to deny the request. Those are my respectful submissions. Thank you for hearing me.

- Councillor Cassidy: Thank you Ms. Lee. Are there any other members of the public who would like to address the Committee? In any of the committee rooms, anyone wish to speak? So nobody in number five? No members of the public who would still like to speak to this application? I'm seeing none. I see no movement. I will look to the Committee, then, to close the public participation meeting.

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee

**From:** George Kotsifas, P. Eng  
Managing Director, Development & Compliance Services &  
Chief Building Official

**Subject:** 1423197 Ontario Inc. (Royal Premier Homes)  
307 Fanshawe Park Road East

**Public Participation Meeting on:** July 15, 2020

## Recommendation

That, on the recommendation of the Director, Development Services, the following actions **BE TAKEN** with respect to the application of 1423197 Ontario Inc. relating to the property located at 307 Fanshawe Park Road E:

- (a) The Planning & Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the application for Site Plan Approval to facilitate the construction of the proposed residential development; and
- (b) Council **ADVISE** the Approval Authority of any issues they may have with respect to the Site Plan Application, and whether Council supports the Site Plan Application.

## Executive Summary

### Summary of Request

The development for consideration is a townhouse development on the south side of Fanshawe Park Road E, east of Hastings Drive. The site is to be developed with vehicular access from Fanshawe Park Road. The development proposal is subject to a public site plan meeting in accordance with the h-5 holding zone regulations set out in the Zoning By-law (Z.-1).

### Purpose and the Effect of Recommended Action

The purpose and effect of the recommendation is to report to the Approval Authority any issues or concerns raised at the public meeting with respect to the application for the Site Plan Approval.

### Rationale of Recommended Action

1. The proposed Site Plan is consistent with the Provincial Policy Statement, which directs development to designated growth areas and that development be adjacent to existing development.
2. The proposed Site Plan conforms to the policies of the Neighbourhoods Place Type and all other applicable policies of The London Plan.
3. The proposed Site Plan is in conformity with the policies of the Low Density Residential designation of the Official Plan (1989) and will implement an appropriate form of development on the site.
4. The proposed Site Plan meets the requirements of the Site Plan Control By-law.

## Analysis

### 1.0 Site at a Glance

#### 1.1 Property Description

The subject lands are located on the south side of Fanshawe Park Road East, east of the intersection of Fanshawe Park Road East and Hastings Drive. Fanshawe Park Road East is classified as an Urban Thoroughfare in The London Plan and an Arterial Road in the 1989 Official Plan.

The land uses surrounding the subject lands are comprised of low-rise residential uses in all directions.

#### 1.2 Current Planning Information

- The London Plan Place Type – Neighbourhoods Place Type
- 1989 Official Plan Designation – Low Density Residential
- Existing Zoning – Holding Residential R5 Special Provision, (h-5\*h-54\*h-89\*R5-7(10))

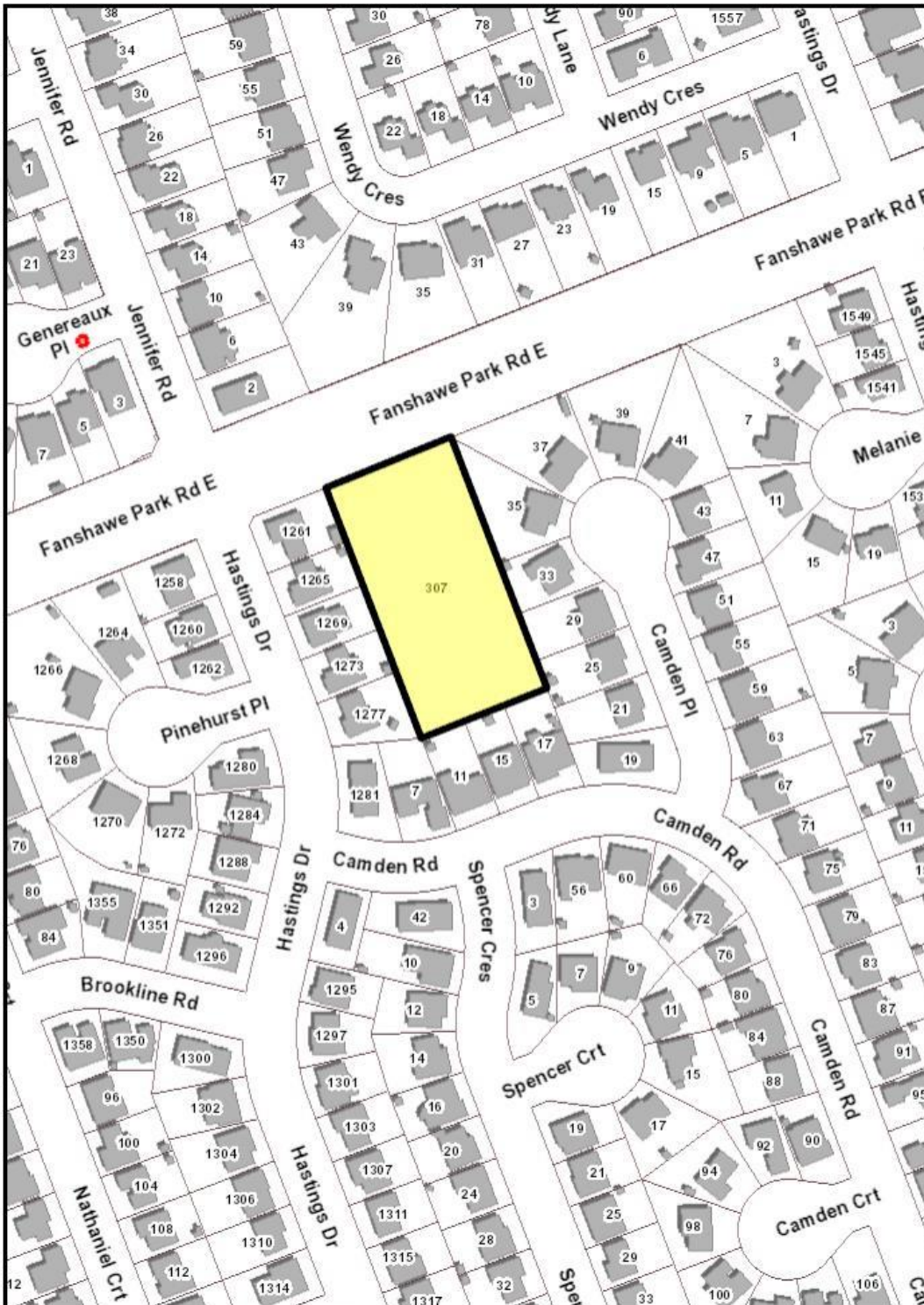
#### 1.3 Site Characteristics

- Current Land Use – Vacant
- Frontage – 53.3 metres
- Depth – 105.9 metres
- Area – 0.56 hectares
- Shape – Rectangular

#### 1.4 Surrounding Land Uses

- North – Single detached dwellings
- East – Single detached dwellings
- South – Single detached dwellings
- West – Single detached dwellings, approx. 400 metres, Masonville Transit Village.

1.5 Location Map



Location Map		Legend	
Subject Property:	307 Fanshawe Park Road E		Subject Property
Applicant:			Parks
File Number:	SPA20-029		Assessment Parcels
Created By:	Meg Sundercock		Buildings
Date:	5/11/2020		Address Numbers
Scale:	1:2000		
Corporation of the City of London			



## 2.0 Description of Proposal

### 2.1 Development Proposal

The proposed site plan is for a residential development that consists of one 3.5 storey (11.7m) stacked townhouse building consisting of 24 units, and one 2.5 storey (8.9m) building consisting of 18 units, for a total of two buildings with 42 units (75 units per hectare). The site plan also shows 53 vehicular parking spaces, including 3 barrier-free spaces.

Detailed plans of the development are contained in Appendix 'A' of this report.

## 3.0 Relevant Background

### 3.1 Planning History

In 1972, subdivision plan (1007) was registered to develop the lands around 307 Fanshawe Park Road East. On the original plan of subdivision 307 Fanshawe Park Road was a "through" lot as it had frontage on Camden Road and Fanshawe Park Road East. At that time, easements were registered over 7 Camden Road, 1277 and 1281 Hastings Drive for stormwater servicing, and over 33 and 35 Camden Place to provide for sanitary services. Municipal water is provided from Fanshawe Park Road East. A severance was granted in 1975 to allow for the creation of the three lots along the Camden Road frontage, municipally known as 11, 15 and 17 Camden Road.

On March 28, 2011, a report was brought forward to the Built and Natural Environment Committee that recommended a Zoning By-law Amendment for 307 Fanshawe Park Road East. The purpose and effect of this zoning amendment was to permit a 16 unit three storey apartment building, and a converted dwelling with 2 units. Municipal Council passed the Zoning By-law Amendment on April 4, 2011 to permit a Holding Residential R1/ Bonus (h-5\*h-54\*h-89\*R1-8\*B-15) Zone.

On January 4, 2019 the City issued a permit to demolish the single detached dwelling and the accessory structure (barn) from the lot. The lot is now currently vacant.

A Public Participation Meeting was held before the Planning and Environment Committee on June 2, 2019, which recommended approval of another Zoning By-law Amendment (Z-9006) to amend the zoning on the property from an R8 Zone to a Special Provision R5 Zone to permit townhouse and stacked townhouse dwellings. The Committee recommended deferral for staff to undertake additional work with the applicant in relation to tree protection, elevation, intensification and site grading concerns, and a review of the proposal by the Urban Design Peer Review Panel (UDPRP).

The development proposal was presented at the UDPRP on July 17, 2019. The Panel's recommendations are attached herein as part of Appendix "B".

A second Public Participation Meeting was held before the Planning and Environment Committee on September 23, 2019. On October 1, 2019 Municipal Council passed the Zoning By-law Amendment to change the zone to a Holding Residential R5 Special Provision (h-5\*h-54\*h-89\*R5-7(10)) Zone. The resolution of Council also included the following direction for the Site Plan Approval Authority to consider:

- i) the requirement for the protection and preservation of the trees and hedges on the easterly, southerly, and westerly boundary (both shared boundary and within-boundary vegetation) on the subject property, with the exception of invasive species or hazard trees;
- ii) where hedge growth is sparse the requirement for the provision of supplementary coniferous plantings post-construction to fill the gaps;
- iii) the comments from the Urban Design Peer Review Panel (UDPRP) from their meeting held on July 17, 2019; and,
- iv) subject to iii) above, the submission of a revised site plan to the UDPRP for review;

The applicant returned to the UDPRP on November 11, 2019. The Panel's subsequent recommendations are also attached herein as part of Appendix "B".

On April 28, 2020, the subject application of this report, being a Site Plan Control Application (file SPA20-029), was received by the City of London. Further submissions are required to address comments provided from the first submission review, and any comments directed to staff as part of the public meeting. The comments from 2<sup>nd</sup> submission are attached herein as Appendix "D" The identified site matters that were included in the Council Resolution are integral to the proposal being considered at the July 15, 2020 public site plan meeting.

### **3.2 Community Engagement (see more detail in Appendix C)**

#### Notice of Application

On May 20, 2020, Notice of Application was sent to all property owners within 120 metres of the subject lands and those who made public comment during the Zoning By-law Amendment. Notice of Application was published in The Londoner on May 21, 2020.

#### Revised Notice of Application

On June 2, 2020, a Revised Notice of Application was sent to all property owners within 120 metres of the subject lands and those who made public comment during the Zoning By-law Amendment and included a correction to the Ward Councillor contact information and the landscape plan in addition to the site plan and building elevations sent previously. The 1<sup>st</sup> submission site plan drawings were also uploaded to the City's website as part of this revised notice to provide additional information and clarity for interested members of the public.

#### Notice of Revised Application Public Meeting

On June 23, 2020, Notice of Revised Application and Public Meeting was sent to all property owners within 120 metres of the subject lands and those who made public comment during the Zoning By-law Amendment. Notice of Application was published in The Londoner on June 25, 2020. The City's website has been continually updated so that interested members of the public could readily access current information on the file during the City Hall closure due to Covid19.

17 responses were received at the time this report was prepared.

#### Public Comment

17 public comments have been made as part of this application, which raised concerns with respect to the following site matters listed below. A summary of the comments are found in Appendix "C". A discussion about the items below are found in Section 4.0 of this report.

- Tree preservation
- Stormwater management
- Lighting
- Fencing
- Building design and privacy
- Snow storage

### **3.3 Policy Context**

#### Provincial Policy Statement, 2020 (PPS)

The PPS aims to sustain healthy, liveable and safe communities by encouraging an appropriate affordable and market-based range and mix of residential types (1.1.1.(b)),

and directs planning authorities to promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where it can be accommodated, taking into account existing building stock or areas, and the availability of suitable existing or proposed infrastructure and public service facilities (1.1.3.3.). The proposed development would facilitate the construction of 42 new residential units within an existing settlement area which has access to transit and civil infrastructure.

The PPS directs that land use patterns be based on densities and a mix of land uses which efficiently use land and resources (1.1.3.2.(a)), and are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available (1.1.3.2.(b)). The site is an existing parcel of land which is larger than the surrounding lot fabric and presents an opportunity for redevelopment at a higher density than its existing context due to its location along a higher order road and transit route.

### The London Plan

The London Plan is the new Official Plan for the City of London (Council adopted, approved by the Ministry with modifications, and the majority of which is in force and effect). The London Plan policies under appeal to the Local Planning Appeals Tribunal (Appeal PL170100) and not in force and effect are indicated with an asterisk throughout this report and include many of the Neighbourhoods Place Type policies pertinent to this planning application. The London Plan policies under appeal are included in this report for informative purposes indicating the intent of City Council, but are not determinative for the purposes of this planning application.

Through its Key Directions, The London Plan encourages a compact, contiguous pattern of growth (59\_2), planning for infill and intensification of various types and forms (59\_4), and plans to ensure a mix of housing types within neighbourhoods so that they are complete and support aging in place (59\_5). The development as proposed makes efficient use of the subject site and available infrastructure and represents a different form of housing from what exists in the immediate area. The London Plan also directs the strengthening of the urban forest by planting more, protecting more, and better maintaining trees and woodlands (58\_9), and to protect what we cherish by recognizing and enhancing cultural heritage resources, neighbourhood character, and environmental features (61\_5). To this end, planning for sustainability and balancing economic, environmental, and social considerations in all planning decisions (62\_2) is particularly important in also ensuring that that new development is a good fit within the context of an existing neighbourhood (62\_9).

The subject lands are located within the Neighbourhoods Place Type on \*Map 1 – Place Types in The London Plan, with frontage on a Urban Thoroughfare (Fanshawe Park Road East).The London Plan contemplates a broad range of residential land uses for the subject lands including, but not limited to, single-detached, semi-detached, duplex and converted dwellings, triplexes, fourplexes, townhouses, stacked townhouses and low-rise apartments. The London Plan utilizes height as a measure of intensity in the Neighbourhoods Place Type. Within the Neighbourhoods Place Type, fronting onto a Urban Thoroughfare, the range of building heights contemplated include a minimum height of 2-storeys and a maximum height of 4-storeys, and up to 6-storeys through Bonus Zoning. The London Plan provides opportunities for residential intensification and redevelopment within the Neighbourhoods Place Type where appropriately located and a good fit with the receiving neighbourhoods.

### Official Plan (1989)

The subject lands are designated “Low Density Residential” on Schedule ‘A’ of the 1989 Official Plan.

Development within areas designated Low Density Residential shall have a lowrise, low coverage form that minimizes problems of shadowing, view obstruction and loss of privacy is encouraged (3.2.2). The scale of low density residential uses generally ranges up to 30 units per hectare for new or greenfield development. The proposal represents

residential intensification and the infilling of a vacant lot within a previously developed area, which according to section 3.2.3. iv) may exceed the range of residential unit types and densities within the Low Density Residential designation, up to 75 units per hectare.

### Z.-1 Zoning By-law

The Residential R5 Special Provision (R5-7(10)) Zone permits the use of the land for townhouse and stacked townhouse dwellings, with provisions regarding density, building height, setbacks, and maximum parking rate.

The holding provisions applied to the zoning on the subject lands must be removed through a separate application prior to the issuance of permits. The following holding provisions are applicable to the subject lands:

*h-5 holding provision* applied to the site to ensures that development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review specifying the issues allowed for under Section 41 of the *Planning Act, R.S.O. 1990, c. P.13*, prior to the removal of the "h-5" symbol.

*h-54 holding provision* applied to the subject lands is to ensure there are no land use conflicts between arterial roads and the proposed residential uses, the h-54 shall not be deleted until the owner agrees to implement all noise attenuation measures, recommended in noise assessment reports acceptable to the City of London. (Z.-1-041290)

*h-89 holding provision* applied to the subject lands is to ensure the orderly development of the lands the "h-89" symbol shall not be deleted until a stormwater servicing report has been prepared and confirmation that stormwater management systems are implemented to the satisfaction of the City Engineer.

The Site Plan application, as currently proposed, does not comply with the provisions of the Zoning By-law due to the definition of stacked townhouse dwellings (more detail provided below under Section 4.2 – Use).

It is also noted that Building "A" encroaches into the required west interior side yard setback of 4.9 metres due to an architectural "bump out" on the second and third floors.

The storage shed at the rear of the property is considered an accessory structure and is subject to the regulations of Section 4.1 – Accessory Uses of the Zoning By-law. The structure has an approximate height of 5.0 metres, and as such is required to be located a minimum of 1.6 metres from the rear and interior property lines. The storage shed is located 1.4 metres from the rear property line, which, if the shed is 5 metres in height, is not in conformity with the zoning regulations. Additional clarification of the building height is required to confirm the setback.

## **4.0 Key Issues and Considerations**

### **4.1 Council Resolution**

As part of the Zoning By-law amendment to permit the proposed development, Council resolved the following:

Responses to the resolution are provided in *italics*.

- b) the Site Plan Approval Authority **BE REQUESTED** to consider the following matters:
  - i) the requirement for the protection and preservation of the trees and hedges on the easterly, southerly, and westerly boundary (both shared boundary and within-boundary vegetation) on the subject property, with the exception of invasive species or hazard trees;

*Four (4) boundary trees and the perimeter hedges are being retained on site. More detail is provided below in Section 4.3 – Intensity.*

- ii) where hedge growth is sparse the requirement for the provision of supplementary coniferous plantings post-construction to fill the gaps;

*The applicant is proposing the removal of invasive species (buckthorn) from the hedges. Details of replanting within the hedge to fill these gaps has not be provided at this time.*

- iii) the comments from the Urban Design Peer Review Panel (UDPRP) from their meeting held on July 17, 2019; and,

*The comments from the UDPRP (attached herein as Appendix “B”) were largely addressed when the applicant submitted a revised site plan and returned to the Panel on November 11, 2019. The applicant was commended for returning with a revised design that took the previous comments into consideration.*

- iv) subject to iii) above, the submission of a revised site plan to the UDPRP for review;

*The comments from the UDPRP considered such items as pedestrian connections through the site, consolidation of amenity space, parking setbacks from dwellings, and relocation of the proposed storage shed. These comments have been sufficiently addressed through the site plan and building elevations attached as Appendix “A”*

## **4.2 Use**

As noted, the zone applied to the subject lands permits the development of townhouse and stacked townhouse dwellings. During the 2019 Zoning By-law Amendment (Z-9006), the development proposed was for stacked townhouses in 2 separate buildings. Building “B”, the one proposed at the rear of the site, contained 18 units with hatching on the plan indicating that there were six (6) units at grade, and would be stacked three (3) units high. However, during Site Plan Consultation and after the zoning had passed it was determined that the definition for a stacked townhouse in the Zoning By-law only permits units to be stacked two (2) high (one on top of the other). Therefore, the development concept as it appeared during the rezoning does not comply with the Zoning By-law.

Due to the two (2) year moratorium on minor variances under S. 34(10.0.0.1) of the *Planning Act*, the applicant has made a request to Council to allow for an application for a minor variance to permit stacked townhouse dwellings with units stacked three (3) high. The proposal is otherwise consistent with the concept plan prepared during the Zoning By-law Amendment in terms of building height and density, as no new units have been added.

It is noted that this request is a separate matter to be heard before the Planning and Environment Committee and Municipal Council and does not have an associated public participation meeting. Notwithstanding, the Site Plan application cannot be approved until such time as it complies with the provisions of the Zoning By-law.

## **4.3 Intensity**

The Site Plan application proposes a total of 42 residential units for a density of 75 units per hectare and 53 parking spaces, which is the maximum permitted by the zoning for the lands. The maximum lot coverage permitted is 45% and the applicant is proposing 33%. The minimum landscaped open space requirements is 30%, and the applicant is proposing 37%. While still compliant with these zoning provisions, the development as proposed is designed nearly to the maximum of all zoning provisions including building setbacks, parking, density, and lot coverage.

#### 4.4 Form

The proposed development consists of one 3.5 storey (11.7m) stacked townhouse building with 24 units, and one 2.5 storey (8.9m) building with 18 units.

Notwithstanding the matter of Building "B" being noncompliant with the definition of a stacked townhouse dwelling as noted above, the building does function in the same manner as a stacked townhouse, as all units have an exterior entrance.

This development proposal has been before the Urban Design Peer Review Panel twice: firstly on July 17, 2019 during the Zoning By-law Amendment, at which time the Panel offered lengthy commentary on site and building design matters; and, secondly on November 11, 2019 where the applicant was commended for taking the previous comments into consideration and revising the overall aesthetic and materiality of the buildings proposed. As noted previously, both recommendations are included herein as part of Appendix "A".

#### 4.5 Tree Preservation

Due to the intensity proposed on the site, all but four (4) of the existing trees on site (not including the periphery hedges) are proposed for removal. The extensive grading for the buildings as well as the parking area (which comprises 31% of the site area) will result in substantial root damage and failure of nearly all of the trees on the lands. Based on the opinion of the City's Landscape Architect, should the parking area and footprint of Building "B" be reduced, additional trees along the southern and western property lines may be retained, including Tree # 31 on the Tree Preservation Plan attached in Appendix "A" (silver maple), and Tree #36 (freeman maple). Staff have also sought the retention for additional trees in the landscape buffer along the easterly property line including Tree #21 (bur oak), and further protection for trees on neighbouring properties, specifically Tree #6 (sugar maple), Tree #14 (sugar maple), and Tree #60 (bur oak) which will be impacted by the construction of the parking area. The trees identified above are highlighted on the tree preservation plan on the following page, with the trees located outside of the site boundaries identified in a lighter green.

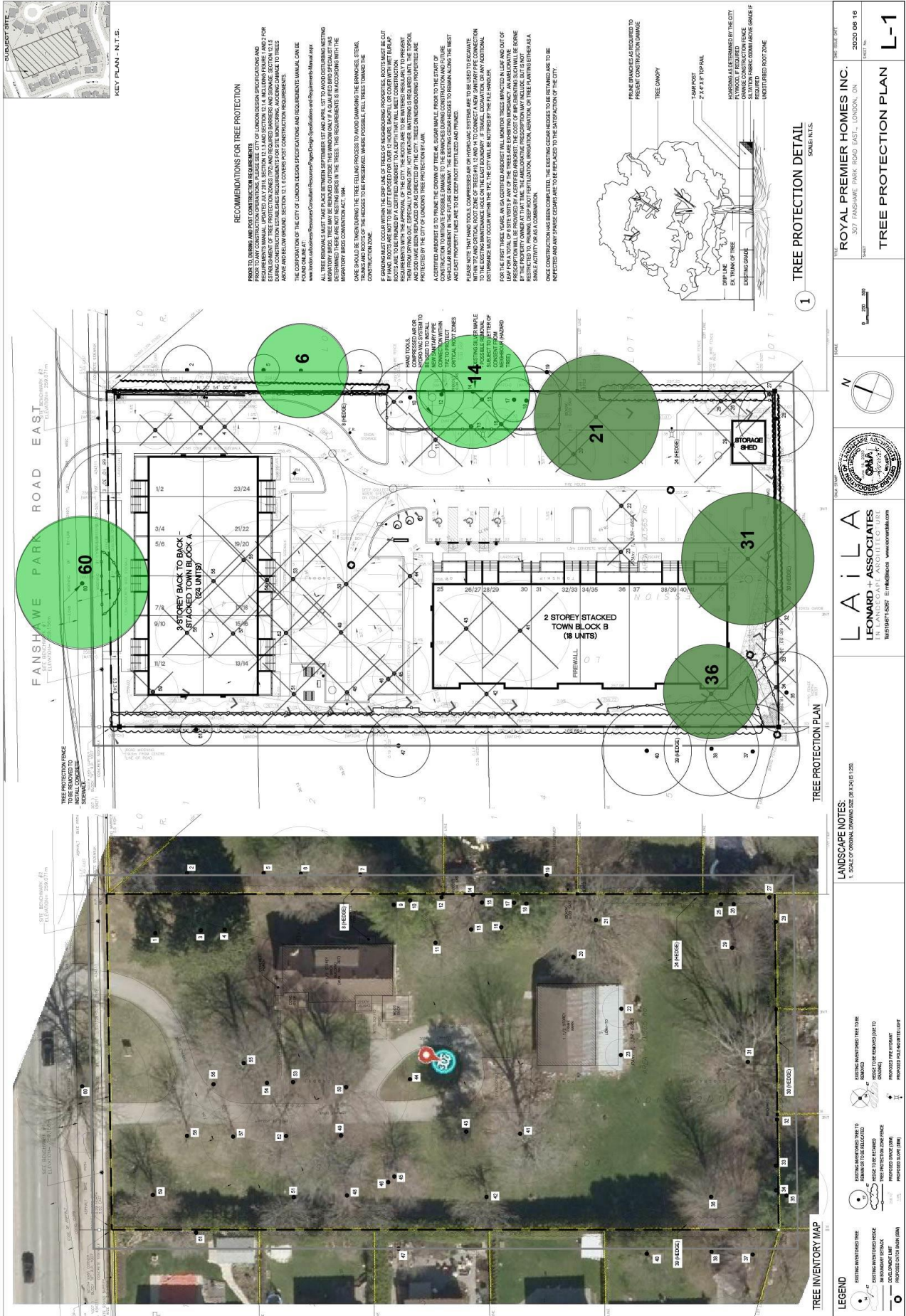
It is noted that the subject lands and adjacent properties are within a Tree Protection Area and the removal of any trees on neighbouring lands will require a permit and a letter of authorization from the property owner.

With respect to the Council Resolution, the protection and preservation of the trees and hedges along the interior property lines is a requirement of Site Plan Approval, with the exception of invasive species and hazard trees. The tree preservation report submitted as part of this Site Plan application includes notes for each tree on site but does not quantify their current health and status in determining whether they are considered hazard trees. However, it is noted that silver maples as a species are prone to natural breaks and failures regardless of adjacent development but there may be community benefit in retaining these mature trees.

Based on the above, staff are of the opinion that the current proposal does not adequately implement the Council resolution.



Tree Preservation Plan



RECOMMENDATIONS FOR TREE PROTECTION

**PROTECT EXISTING TREES AND PREVENT CONSTRUCTION DAMAGE TO THEM**

THE CITY OF LONDON DESIGN SPECIFICATIONS AND REQUIREMENTS MANUAL (UPDATED JAN 2016), SECTION 12.1 AND SECTION 12.4, INCLUDING FIGURE 1 AND FIGURE 2, PROVIDE THE MINIMUM REQUIREMENTS FOR TREE PROTECTION DURING CONSTRUCTION. THESE REQUIREMENTS ARE TO BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD AND BEYOND. SECTION 12.4 COVERS POST CONSTRUCTION REQUIREMENTS.

THE CORPORATION OF THE CITY OF LONDON DESIGN SPECIFICATIONS AND REQUIREMENTS MANUAL CAN BE VIEWED AT: [www.london.ca/development/consultation/Resource/Design-Specifications-and-Requirements-Manual.aspx](http://www.london.ca/development/consultation/Resource/Design-Specifications-and-Requirements-Manual.aspx)

ALL TREE REMOVALS MUST TAKE PLACE BETWEEN SEPTEMBER 1ST AND APRIL 1ST TO AVOID DESTROYING NESTING BIRDS. TREE REMOVALS SHOULD BE CONDUCTED IN THE WINTER OR EARLY SPRING. IF A QUALIFIED ARBORIST HAS BEEN CONSULTED, THE TREE SHOULD BE REMOVED IN ACCORDANCE WITH THE MUNICIPAL BY-LAW CONVENTION ACT 1994.

CARE SHOULD BE TAKEN DURING THE TREE FELLING PROCESS TO AVOID DAMAGING THE BRANCHES, STEMS, AND ROOTS OF THE TREES TO BE PRESERVED. WHERE POSSIBLE, FELL TREES TOWARD THE CONSTRUCTION SIDE.

IF BRANCHES OCCUR WITHIN THE CORNER OF TREES OF NEIGHBOURING PROPERTIES, BRANCHES MUST BE CUT BY HAND. BRANCHES SHOULD NOT BE CUT OVER 12 HOURS, BANDSHELL OR COVER WITH WET BURLAP. BRANCHES SHOULD BE REMOVED WITHIN 24 HOURS OF CUTTING. BRANCHES SHOULD BE REMOVED IN A MANNER THAT PREVENTS DAMAGE TO THE TRUNKS OF THE TREES TO BE PRESERVED. BRANCHES SHOULD BE REMOVED IN A MANNER THAT PREVENTS DAMAGE TO THE TRUNKS OF THE TREES TO BE PRESERVED. BRANCHES SHOULD BE REMOVED IN A MANNER THAT PREVENTS DAMAGE TO THE TRUNKS OF THE TREES TO BE PRESERVED.

A CERTIFIED ARBORIST TO PRUNE THE CROWN OF TREES (SUGAR MAPLE, PINK BLOSSOM, AND OTHER TREES) MUST BE EMPLOYED TO PRUNE THE CROWN OF TREES TO BE PRESERVED. THE EXISTING CLEAR HEIGHTS TO REMAIN ABOVE THE BEST AND FAST PROPERTY LINES ARE TO BE KEPT FERTILIZED AND PRUNED.

PLEASE NOTE: THE HAND TOOLS, COMPRESSORS OR PNEUMATIC SYSTEMS ARE TO BE USED TO SEPARATE THE TRUNKS OF TREES TO BE PRESERVED FROM THE TRUNKS OF TREES TO BE REMOVED. THE EXISTING MAINTENANCE FACE ON THE EAST BOUNDARY, IF TRUNKS, BRANCHES OR ANY ADDITIONAL DISTURBANCE MUST OCCUR WITHIN THE CITY, THE CITY WILL BE NOTIFIED BY THE FILE HOLDER.

FOR THE FIRST THREE YEARS, A QUALIFIED ARBORIST SHALL MONITOR TREES IMPACTED IN A LAW AND OUT OF LAW AREAS. THE ARBORIST SHALL PROVIDE A CERTIFIED REPORT TO THE CITY OF LONDON. SUCH REPORTS SHALL BE BORNE BY THE CLIENT. THE COST OF IMPLEMENTING SUCH REPORTS SHALL BE BORNE BY THE CLIENT. THE COST OF IMPLEMENTING SUCH REPORTS SHALL BE BORNE BY THE CLIENT. THE COST OF IMPLEMENTING SUCH REPORTS SHALL BE BORNE BY THE CLIENT.

ONCE CONSTRUCTION HAS BEEN COMPLETED, THE EXISTING CEDAR TREES TO BE RETAINED ARE TO BE INSPECTED AND ANY DAMAGE TO THEM IS TO BE REPAIRED TO THE SATISFACTION OF THE CITY.

1 TREE PROTECTION DETAIL  
SCALE: N.T.S.

LANDSCAPING NOTES  
1. SCALE OF ORIGINAL DRAWING SIZE IS PLAN 1/8" = 1'-0"

**LEGEND**

- EXISTING INVOLVED TREE TO BE PRESERVED (WITH PROTECTION ZONE)
- EXISTING INVOLVED TREE TO BE REMOVED (WITH PROTECTION ZONE)
- EXISTING INVOLVED TREE TO BE PRESERVED (WITHOUT PROTECTION ZONE)
- EXISTING INVOLVED TREE TO BE REMOVED (WITHOUT PROTECTION ZONE)
- PROPOSED TREE TO BE PRESERVED (WITH PROTECTION ZONE)
- PROPOSED TREE TO BE REMOVED (WITH PROTECTION ZONE)
- PROPOSED TREE TO BE PRESERVED (WITHOUT PROTECTION ZONE)
- PROPOSED TREE TO BE REMOVED (WITHOUT PROTECTION ZONE)

**LAILA LEONARD - ASSOCIATES**  
IN LANDSCAPE ARCHITECTURE  
181 BAYVIEW AVE. SUITE 100  
SCARBOROUGH, ONTARIO M1S 5R7  
TEL: 416-291-1100  
WWW.LAILALEONARD.COM

DATE: 2020 08 10  
SHEET: L-1  
PROJECT: ROYAL PREMIER HOMES INC.  
307 FANSHAW PARK ROAD EAST, LONDON, ON  
SCALE: N.T.S.

#### 4.6 Stormwater Management

A stormwater management servicing strategy for the site has not been approved at this time and is still under review by Development Services – Engineering staff. Concerns from neighbouring residents have been raised regarding stormwater management, specifically with respect to snow storage and how the location of snow piles on site may lead to impacts on adjacent properties when they melt.

The applicant has expressed the intent to have snow plowed and removed from the site to reduce the amount of snow onsite and lessening the effect of the spring thaw.

#### 4.7 Lighting

A photometric plan was submitted as part of the Site Plan application (attached in Appendix “A”) which shows five (5) light standards proposed and the value across the site of the intensity of light measured in foot-candles. Photometric plans are evaluated based on the intensity of light and the impact on neighbouring properties. In this case, there are two (2) instances of light impacting abutting properties: one on the western edge of the site where a maximum of 0.3 foot-candles are proposed across the property line, and the other on the south eastern edge where 0.1 foot-candles are shown.

0.3 foot-candles is the equivalent of 3.2 lumens per square metre, and 0.1 equals 1.1 lumens per square metre. For reference, a standard 40W lightbulb has a brightness of 400+ lumens. These measurements shown on the plan also don't appear to take into consideration the existing hedges and proposed privacy fencing along the property lines. As such, staff are satisfied that any light trespass will be extremely minimal where it exists at all.

#### 4.8 Fencing

Consistent with the Council resolution, the hedges along the property lines are being retained and shall be filled in where it thins due to the removal of invasive species. In addition, 2.1m high privacy fencing is proposed along the property lines between the hedges.

#### 4.9 Building Design

See Section 4.4 above.

#### 4.8 Outstanding Site Plan Comments

Second submission site plan control comments were provided to the applicant on July 2, 2020. The Site Plan comments are as follows:

1. As per the h-5 holding provision, the public site plan meeting is scheduled for July 15, 2020.
2. Relief to the zoning permissions is required to permit the building form as proposed (Building B stacked 3 units high, whereas the definition of “Stacked Townhouse” is limited to 2). This must be resolved prior to the acceptance of a final submission.
3. Demonstrate how the development as proposed conforms to the requirements of the Council Resolution, specifically:
  - a. *the requirement for the protection and preservation of the trees and hedges on the easterly, southerly, and westerly boundary (both shared boundary and within-boundary vegetation) on the subject property, with the exception of invasive species or hazard trees*
4. Specific attention shall be paid to Trees #6, #14, #21, #31, #36 and #60 which are of particular value to the community. Their preservation during construction and long term health following construction is of the utmost importance. Identify how these trees will be protected and construction impacts will be mitigated.

5. The encroachment into the required interior side yard setback on Building “A” is not permitted and is not considered to be a cantilever consistent with Section 4.27 of the Zoning By-law as the “bump out” is comprised of habitable space and is a structural component of the building.
6. Confirm the height of the storage shed to the peak of the roof. It appears to be 5 metres in height and as such is required to be a minimum of 1.6 metres from interior and rear property lines. Currently it is shown with a setback of 1.4 metres and is not in compliance with the Zoning By-law.
7. Dimension building elevations in metric.
8. Ensure consistency between plans – the fire hydrant has been relocated on the civil drawings but not on the site or landscape plans.

Ensure compliance with the definition of stacked townhouse in the Zoning By-law. More information and details are available in Appendix ‘D’ of this report.

## 5.0 Conclusion

The proposed Site Plan is consistent with the Provincial Policy Statement, has regard to The London Plan, and is in conformity with the 1989 Official Plan.

The application has been reviewed in accordance with the Z.-1 Zoning By-law, and, as proposed, does not comply with the regulations of the By-law. Further, the Site Plan, Landscape Plan and Elevations, as proposed, will result in development that does not address all the requirements outlined in the October 1, 2019 Council Resolution. In particular, the requirement for the protection and preservation of the trees and hedges on the easterly, southerly, and westerly boundary (both shared boundary and within-boundary vegetation) on the subject property.

<b>Prepared by:</b>	<b>Meg Sundercock, BURPL Site Development Planner, Development Services</b>
<b>Recommended by:</b>	<b>Paul Yeoman, RPP, PLE Director, Development Services</b>
<b>Submitted by:</b>	<b>George Kotsifas, P.Eng. Managing Director, Development and Compliance Services &amp; Chief Building Official</b>
The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services	

July 3, 2020  
MS/ms

CC: Heather McNeely, Manager, Development Services (Site Plan)  
Ismail Abushehada, Manager, Development Engineering

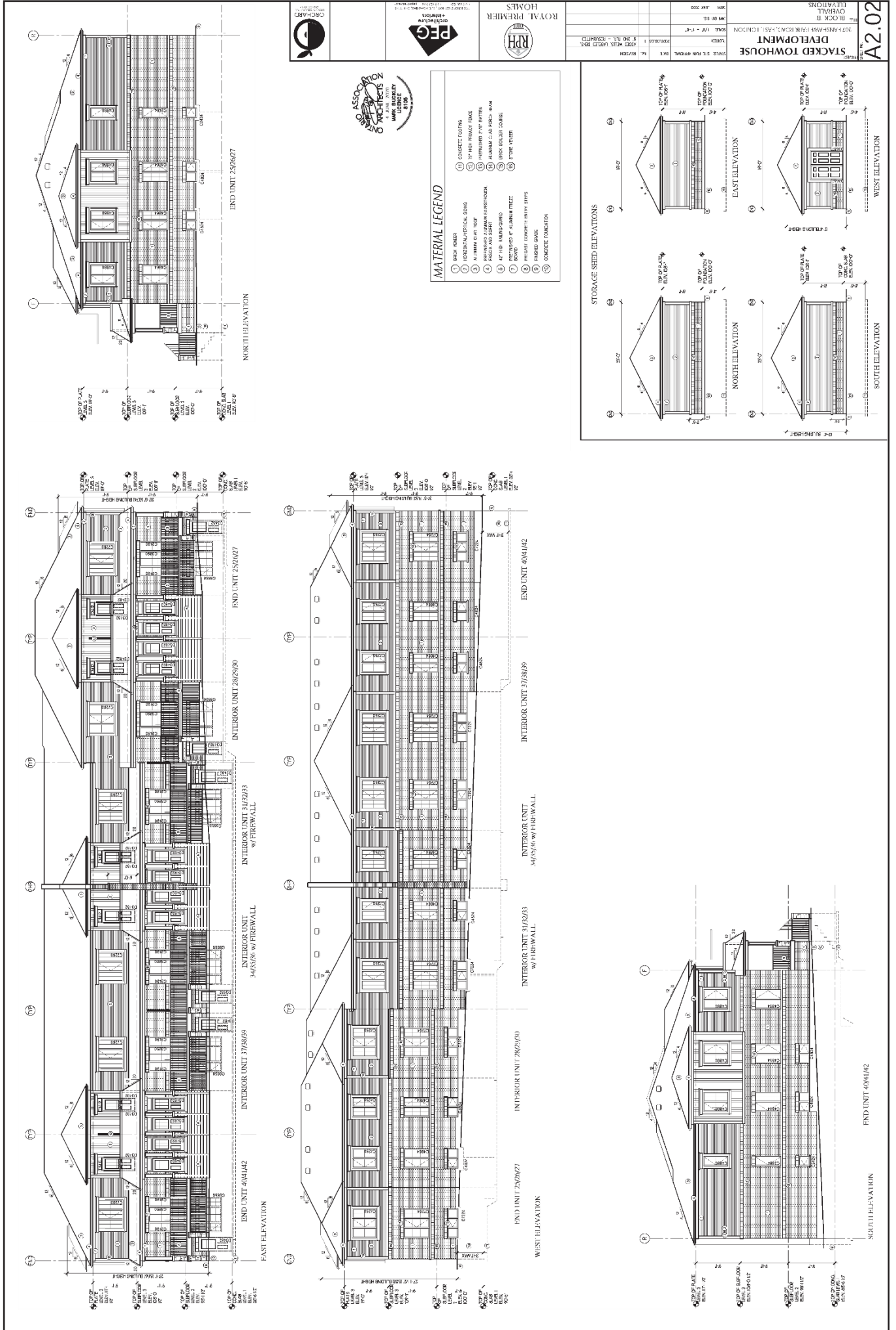








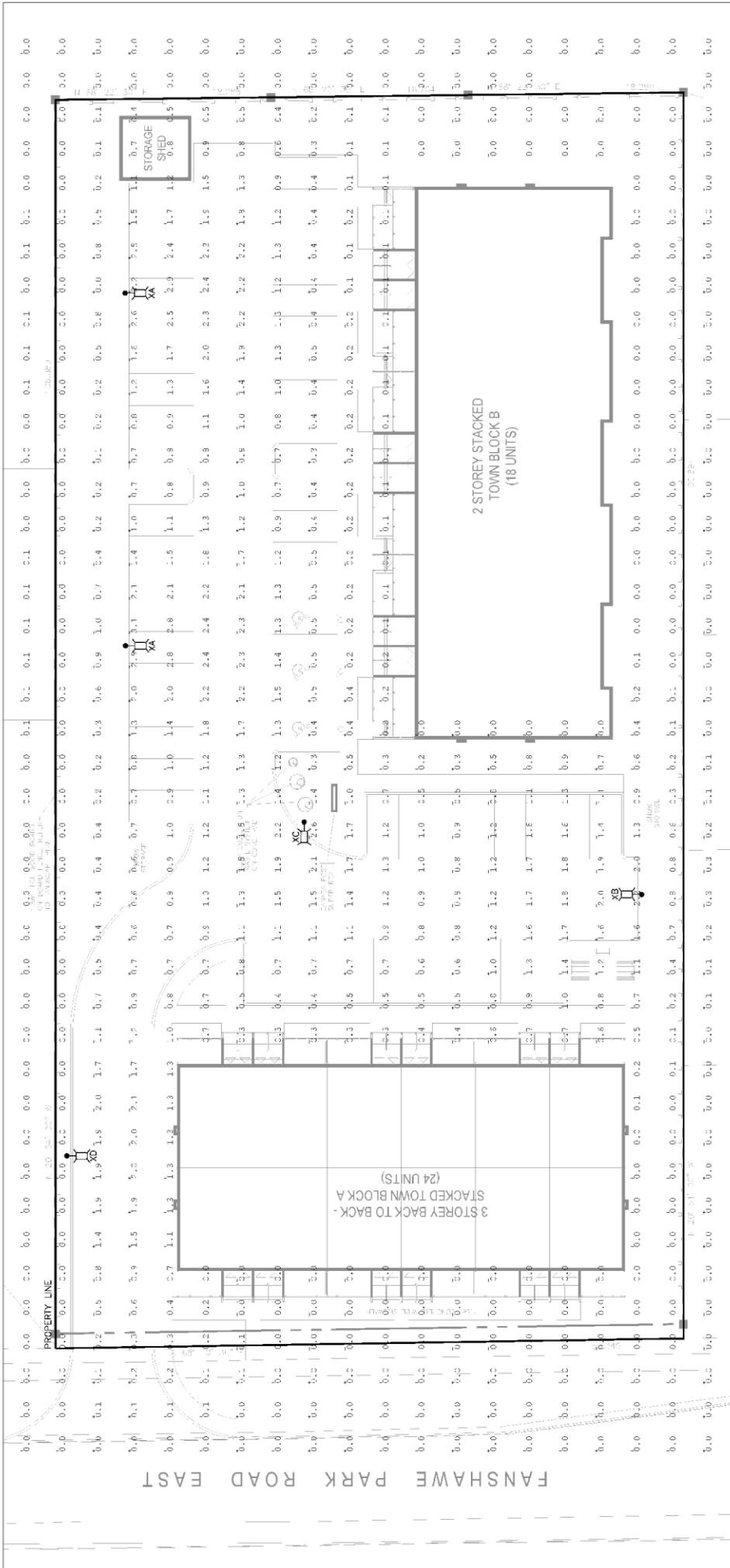
Elevations – Building B







Photometric Plan



SITE PLAN SCALE 1:100

DESCRIPTION	STATISTICS (fc)	IMAGE	SYMBOL	CATALOG NUMBER	DESCRIPTION
PARKING AND DRIVES	AVG 1.35 MAX 3.2 MIN 0.4		XA	URBANA LIGHTING CANY DSK1 LED P3 40K 177M WOLT 1H5	D SERIES AREA SIZE 1 POLE-MOUNTED MOUNTED ON 18' POLE WITH 3' CONCRETE BASE 102W, 4000K, 12575 LUMENS, LF 0.9
			XB	URBANA LIGHTING CANY DSK1 LED P2 40K 177M WOLT 1H5	D SERIES AREA SIZE 1 POLE-MOUNTED MOUNTED ON 18' POLE WITH 3' CONCRETE BASE 70W, 4000K, 8795 LUMENS, LF 0.9
			XC	URBANA LIGHTING CANY DSK1 LED P2 40K 177M WOLT 1H5	D SERIES AREA SIZE 1 POLE-MOUNTED MOUNTED ON 18' POLE WITH 3' CONCRETE BASE 70W, 4000K, 8795 LUMENS, LF 0.9
			XD	URBANA LIGHTING CANY DSK1 LED P1 40K 177M WOLT 1H5	D SERIES AREA SIZE 1 POLE-MOUNTED MOUNTED ON 18' POLE WITH 3' CONCRETE BASE 54W, 4000K, 2709 LUMENS, LF 0.9

**GENERAL NOTES**

- The photometric data was generated using the following assumptions:
  - 1. All fixtures are assumed to be new.
  - 2. All fixtures are assumed to be clean.
  - 3. All fixtures are assumed to be mounted at the specified height.
  - 4. All fixtures are assumed to be mounted on the specified pole.
  - 5. All fixtures are assumed to be mounted on the specified base.
  - 6. All fixtures are assumed to be mounted on the specified pole.
  - 7. All fixtures are assumed to be mounted on the specified base.
- The photometric data was generated using the following assumptions:
  - 1. All fixtures are assumed to be new.
  - 2. All fixtures are assumed to be clean.
  - 3. All fixtures are assumed to be mounted at the specified height.
  - 4. All fixtures are assumed to be mounted on the specified pole.
  - 5. All fixtures are assumed to be mounted on the specified base.
  - 6. All fixtures are assumed to be mounted on the specified pole.
  - 7. All fixtures are assumed to be mounted on the specified base.

**COMMENTS:**

STRK BALDINELLI  
D. MONIZ  
1000 SHEPPARD AV. E. UNIT 101  
SCARBOROUGH, ON M1B 4Y1

ROYAL PREMIER HOMES  
307 FANSHAWE PARK RD.,  
LONDON, ON

**SITE PLAN - PHOTOMETRIC**

SCALE: 1:100  
DATE: 2019-07-01  
DRAWN: M. SUNDERCOCK  
CHECKED: M. SUNDERCOCK

PROJECT NO. SPA19-029  
SHEET NO. 01

**Appendix B: Urban Design Peer Review Panel Recommendations**

July 17, 2019



# Memo

**To: Proponents**

- Ben McCauley, Planner, Zelinka Priamo Ltd.
- Farhad Noory, President, Royal Premier Homes
- Mark Buckley, Architect, Peg Architecture & Interiors

**From: Urban Design Peer Review Panel (UDPRP)**

- Steven Cooper, Architect
- Tim O'Brien, Landscape Architect
- Ryan Ollson, Architect
- McMichael Ruth, Architect
- Heather Price, Urban Designer

**Regrets:**

- 

**RE: 307 Fanshawe Park Road East  
Presentation & Review, July 17, 2019**

Considering that the application is a zoning by-law amendment, the comments provided herein are meant to inform the decision-making with respect to the zoning by-law amendment application, though detailed comments to inform the future Site Plan application(s) have also been provided for consideration.

The Panel provides the following preliminary feedback on the submission:

- The Panel understands, and is sensitive to, the concept of scale/density for this development. In this regard, the Panel is supportive of the developments size, height and density based on the location within London and direct adjacency to Fanshawe Park Road East.
- The panel is supportive of the orientation of Building 1 along the Fanshawe Road street edge. Additionally, the Panel is supportive of the taller form (Building 1) nearer to the street, stepping down to 2.5 metres-built form (Building 2) to the rear.
- Generally, the Panel is supportive of the siting of Building 2 relative to the lot lines as there appears to be sufficient separation from adjacent buildings to the west/south/east.
- The applicant should be commended for the use of "Moloks" and their placement which is centrally located within the site.
- The applicant should provide a vegetation management plan for the project. The Panel suggests that existing vegetation and mature trees be maintained wherever possible. Where vegetation is to be removed screening consideration(s) for the adjacent properties should be provided (and is critical).



- The development should consider/explore the possibility of below grade parking to create green space / outdoor amenity space around the buildings at grade. Ideally, the two buildings would create an outdoor courtyard space that could be a shared amenity area, and reduce the impact of surface parking on the existing residential neighbourhood.
- At a minimum, additional greenspace should be provided between the surface parking and the south side of Building 1.
- The greenspace on the west side of Building 2 appears to be undeveloped / not designed and is an opportunity for use by the residents on site, or for potential balconies or walk-outs from the west side of Building 2.
- Landscaping along the west and south yards, needs further development. Supportive of the provision of outdoor private amenity in the form of terraces/balconies/patios for each unit. Common amenity should also be considered and its siting would be most appropriate between Buildings 1 and 2 rather than in the exterior (west or south) yards considering the interface. The west interface seems not to be evolved fully, report mentions potential for decks, question the suitability of this for common amenity, especially considering its linear shape.
- The treatment of the yards is an important consideration for compatibility with surrounding residential development. There are a number of existing trees along south property boundary, for example, retain trees to the extent possible.
- Ensure sufficient room for plantings around perimeter of property, including east interface. Support the proposed intent to provide for privacy fencing.
- The west elevation of Building 2 requires further articulation in order to provide better compatibility between it and the neighbouring residential neighbourhood.
- The wood siding on the exterior does not add to the articulation of the building and does not seem to relate to any contextual elements. The exterior design does not offer the depth of detail or articulation expected for a development in a neighbourhood this well developed, with a long history, and on arterial road.
- The applicant should consider additional landscaping along Fanshawe Park Road. The transition and number of steps up to each unit seems abrupt, further articulated landscape design would result in a softer, and more sensitive, transition.
- Consider potential for conflict with the 2 vehicular parking spaces on the curve of the access.
- Resolution of entrance to each unit, integrated with the stair and balcony above, corner masonry piers on the terrace seem foreign to the scheme. Overall the elevations appear to need further refinement.
- The applicant is encouraged to return to the Panel again through the site plan approval process when more details about the revised design are available for review.

**Concluding comments:**

The Panel is supportive of the overall project, scale, orientation and siting of the buildings along Fanshawe Park Road East. The Panel has provided several detailed design comments for consideration in working through the holistic design, including suggested refinements to the building elevations, amenity spaces and landscape design details. It is requested that the application return to the Panel for review once an application has been submitted.

Sincerely on behalf of the UDPRP,

A handwritten signature in black ink, appearing to read 'S Cooper', with a horizontal line extending to the left and a small flourish at the end.

Steven Cooper, OAA, LEED AP (BD+C), UDPRP Chair



November 11, 2019



# Memo

**To: Proponents**

- Ben McCauley, Planner, Zelinka Priamo Ltd.
- Mark Buckley, Architect, Peg Architecture & Interiors

**From: Urban Design Peer Review Panel (UDPRP)**

- Steven Cooper, Architect
- Tim O'Brien, Landscape Architect
- McMichael Ruth, Architect
- Amelia Sloan, Planner

**Regrets:**

- Heather Price, Urban Designer
- Ryan Ollson, Architect

**RE: 307 Fanshawe Park Road East  
Presentation & Review, November 11, 2019**

The Panel provides the following feedback based on this revised submission:

- The Panel would like to commend the applicant for returning with a revised design that takes previous comments into consideration;
- The Panel would also like to commend the applicant for returning with a presentation which properly outlines the previous iterations and how the design has been improved since the last meeting;
- The Panel has noted the location of the proposed shed could be adjusted to ensure it does not become a visual obstruction onsite;
- The applicant is encouraged to review the pedestrian connection from the back of the site Fanshawe Park Road East;
- The Panel has raised concern regarding the parking setback relative to the basement units. There is potential for headlights shining into these spaces;
- The applicant may consider relocating the outdoor amenity space to the south-east of Building "A". This has the opportunity to create a better pedestrian connection for both buildings to the outdoor area.
- The applicant should also consider centralizing the amenity space between Buildings "A" and "B";
- The Panel has commented that the design could be improved by further exploring walls and material for the privacy screens between each unit;

- The Panel would like to commend the applicant for revisiting the materiality of the Buildings and producing an aesthetic that is in keeping with the Urban area they will be constructed in.

**Concluding comments:**

The Panel is generally supportive of the revised design presented to the group. The Panel has provided supplemental comments to further hone the development including, but not limited to, minor Site Plan adjustments and privacy screening updates.

Sincerely on behalf of the UDPRP,

A handwritten signature in black ink, appearing to read 'S. Cooper', written over a horizontal line.

Steven Cooper, OAA, LEED AP (BD+C), UDPRP Chair



Development Services  
6th Floor, City Hall  
300 Dufferin Avenue  
London, ON  
N6A 4L9

To: Ben McCauley, Zelinka Priamo Ltd.  
Mark Buckley, Architect, Peg Architecture & Interiors

Date: 12/17/2019

**Re: Urban Design Peer Review Panel Comments – Applicant Response**

Address of Development Site: 307 Fanshawe Park Road E (Revised)

Date of Panel Meeting: 11/13/2019

As per the Memo provided in conjunction with this letter, the Urban Design Peer Review Panel has the following comments regarding the above-referenced application. In the **Applicant Response** section of the text box, please provide a detailed response that explains how the Panel comments have been addressed.

<b>Comment:</b>
The Panel would like to commend the applicant for returning with a revised design that takes previous comments into consideration.
<b>Applicant Response:</b>
Thank you. The applicant has always been willingness to collaborate with city staff and stakeholders, including the UDPRP.

<b>Comment:</b>
The Panel would also like to commend the applicant for returning with a presentation which properly outlines the previous iterations and how the design has been improved since the last meeting.
<b>Applicant Response:</b>
Thank you. The applicant acknowledges that comments provided previously by the UDPRP have generally resulted in improvements to the development proposal.

<b>Comment:</b>
The Panel has noted the location of the proposed shed could be adjusted to ensure it does not become a visual obstruction onsite.
<b>Applicant Response:</b>
The proposed shed has been retained in the location shown. It is the preferred location from an operational view point. Its location also ensures appropriate areas remain available for tree preservation and new planting opportunities, as well as SWM considerations.

<b>Comment:</b>
The applicant is encouraged to review the pedestrian connection from the back of the Site.
A 1.5 m sidewalk is provided along the easterly side of Block A, which connects to the public sidewalk along Fanshawe Park Road East. There are a number of sidewalks provided throughout the development to promote pedestrian connectivity. Adequate sightlines within the subject property are provided to ensure that if pedestrians need to cross the drive aisle it can be done so in a safe manner. The anticipated number of vehicle movements within the site will be low and are not anticipated to result in undue pedestrian/vehicle conflicts.

<b>Comment:</b>
The Panel has raised concern regarding the parking setback relative to the basement units. There is potential for headlights shining into these spaces.
<b>Applicant Response:</b>
The sidewalk in front of the units was increased to 3 m from the surface parking area and the basement units. Areas for landscaping have been included within this area and in front of the basement units to help soften the building and help minimize the potential for significant undue light impacts.

<b>Comment:</b>
The applicant may consider relocating the outdoor amenity space to the south-east of Building "A". This has the opportunity to create a better pedestrian connection for both buildings to the outdoor area.
<b>Applicant Response:</b>
As suggested, the outdoor amenity area has been relocated to the south-east of Building A.

<b>Comment:</b>
The applicant should also consider centralizing the amenity space between Buildings "A" and "B".
<b>Applicant Response:</b>
A number of alternative locations for the communal amenity area were contemplated in the design of the proposed development. However, providing a centralized space beyond what is now proposed did not allow for the most efficient use of the development land. Relocating the amenity area to the south-east of Block A (as suggested), coupled with the open space located to the north of Block B, and along the entire rear of Block B, is considered to provide for an appropriate level of outdoor amenity as well as the creation of a sense of place for future residents. It is considered that these areas are of a configuration and size to provide for a meaningful outdoor amenity area for those residents requiring such space.

<b>Comment:</b>
The Panel has commented that the design could be improved by further exploring walls and material for the privacy screens between each unit.
<b>Applicant Response:</b>
As suggested, privacy screens have been provided between some units where possible.

<b>Comment:</b>
The Panel would like to commend the applicant for revisiting the materiality of the Buildings and producing an aesthetic that is in keeping with the Urban area they will be constructed in.
<b>Applicant Response:</b>
Thank you. The applicant has always shown a willingness to collaborate with city staff and stakeholders, including the UDPRP. It is our submission that the proposed buildings will be in keeping with the character of the surrounding area.

If you have any questions, please contact Wyatt Rotteau by email at [wrotteau@london.ca](mailto:wrotteau@london.ca) or by phone at 519-661-CITY (2489), extension 7545.

Sincerely,



Wyatt Rotteau  
Urban Design Technician

cc: J. Smolarek, Urban Designer, Development Services  
D. FitzGerald, Site Development Planner, Development Services

## **Appendix C: Public Engagement**

### **Community Engagement**

**Public liaison:** On May 20, 2020, Notice of Application was sent to all property owners within 120 metres of the subject lands and those who made public comment during the Zoning By-law Amendment. Notice of Application was published in The Londoner on May 21, 2020.

On June 2, 2020, a Revised Notice of Application was sent to all property owners within 120 metres of the subject lands and those who made public comment during the Zoning By-law Amendment and included a correction to the Ward Councillor contact information and the landscape plan in addition to the site plan and building elevations sent previously. The 1<sup>st</sup> submission site plan drawings were also uploaded to the City's website as part of this revised notice to provide additional information and clarity for interested members of the public.

On June 23, 2020, Notice of Revised Application and Public Meeting was sent to all property owners within 120 metres of the subject lands and those who made public comment during the Zoning By-law Amendment. Notice of Application was published in The Londoner on June 25, 2020.

17 replies were received at the time this report was prepared.

**Nature of Liaison:** The purpose and effect of this proposal is to develop the subject lands, as shown on the attached plan. The Site Plan, as proposed, would result in the development of 42 residential units with a density of 75 units per hectare..

**Responses:** 17 Replies

**Responses to Public Liaison Letter and Publication in "The Londoner"**

Written	
<p>Bill Day</p> <p>1277 Hastings Drive</p>	<p>Concerns surrounding additional changes to previously approved zoning and site design. Additional concerns include the existing cedar hedge to be maintained, and negative lighting impacts to adjacent properties.</p>
<p>Bret Downe</p>	<p>Requesting plans indicating the process in which the trees in the buffer are to be preserved, plans to ensure no negative drainage affects to adjacent properties and traffic calming measures.</p>
<p>Claudia Clausius</p>	<p>Concerns regarding tree preservation and existing vegetation buffering. Additional concerns about plans for snow removal, privacy concerns, light pollution and the relocation of the proposed storage shed.</p>
<p>Deb Beverley</p>	<p>Concerned about alterations to the plan, specifically the storage shed. Tree preservation, lighting impacts to neighbouring properties and privacy concerns.</p>
<p>Fred Cull</p> <p>33 Camden Place</p>	<p>Lists tree preservation, sanitary capacity, connection to sanitary under Camden Place, negative lighting impacts, location of snow storage and flooding as concerns.</p>
<p>Garry Buitinga</p> <p>15 Camden Road</p>	<p>Concerns include drainage from the site and the location and purpose of the proposed storage shed.</p>
<p>Gerry Croxall</p> <p>17 Camden Road</p>	<p>Calls for tree preservation, the supplementation of hedging post-construction, the location of the storage shed at the expense of trees, snow storage, lighting, and the location of any air conditioning units.</p>
<p>Gloria McGinn-McTeer</p> <p>18-683 Windermere Road</p>	<p>Primary concern is storm water management. Additional concerns include tree preservation, increased traffic and a potential increase in students.</p>
<p>John Howitt and Anne MacDougall</p> <p>1281 Hastings Drive</p>	<p>In support of the Old Stoneybrook Community Association's written comments.</p>
<p>Lindsey Bradshaw</p> <p>35 Camden Place</p>	<p>Concerns regarding tree preservation, height of proposed fencing, location and grade of snow storage, lighting and increased traffic. In support of the Old Stoneybrook Community Association's written comments.</p>
<p>Michael Crawford</p> <p>21 Camden Place</p>	<p>Concerned about the lack of tree preservation at the expense of a storage shed and shared amenity space. Also comments on the lack of adequate buffering, lighting, amount of parking, and storm and melt water collection.</p>



<p>Phil and Deena Lincoln 7 Camden Road</p>	<p>Concerns regarding lack of green space and light pollution. Other concerns included storm water management, lack of tree preservation, location of snow storage, location of parking, apartments not being accessible, location of air conditioning. Further concern regarding the density of the site and the relocation of building B.</p>
<p>Ron McDougall</p>	<p>In support of the Old Stoneybrook Community Association's written comments.</p>

**Sundercock, Meg**

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**From:** Bill Day [REDACTED]  
**Sent:** Wednesday, June 10, 2020 6:49 PM  
**To:** Sundercock, Meg; Hopkins, Anna; Squire, Phil; Turner, Stephen; Helmer, Jesse; Kayabaga, Arielle; City of London, Mayor  
**Cc:** Linda Day  
**Subject:** [EXTERNAL] Re: File: SPA20-029 – 307 Fanshawe Park Road

June 10<sup>th</sup>, 2020

Re: File: SPA20-029 – 307 Fanshawe Park Road

Dear Ms. Sundercock, Mayor Holder, members of the Planning Committee and members of Council,

As a resident of Hastings Drive whose property backs on to the 307 Fanshawe Park Road property, I would like to offer a few comments, echoing those of the OSCA, who speak eloquently on our behalf.

First, I would like to thank you for providing us with the information, and for your very prompt replies to any questions I had. I would also be happy if this letter is shared with all concerned council members as well.

My first concern would be the timing. During the time of the pandemic, it seems odd to move forward with a process that will likely require another meeting that our community would need to attend. I totally understand the need for development to proceed, but I wonder if waiting until 2021, when the hope is we will have returned to some form of normality, might be better for all concerned.

In terms of the concerns, I fully support the letter written on our behalf by Deb Beverley of the Old Stoneybrook Community Association, but would like to highlight a few very concerning issues.

1. If the issue is a zoning one, with the discovery of the error on the size of one of the buildings, why are there other significant changes to the site plan being suggested by the builder at this time? My understanding is that this issue for zoning is purely technical – the need to approve the taller building. Why would anything else need to change from a plan that was approved by the planning committee and council following numerous meetings and community input?
2. The issues regarding the trees is crucial to us. It is imperative that the existing cedar hedge be maintained and in fact, enhanced, to provide a buffer between the new building and the existing residential properties. Again, given that this was a part of the plan as finalized, I do not understand why the developer is now changing this, especially given the mandate from the UDPRP and the concerns of many of the council members.
3. Lighting that impacts on our yards is not acceptable. Accepting the right of the developer to build on this property and make a profit does not mean they have the right to radically change the nature of our properties.

I will leave it at that for now. It is my belief that the provisions agreed upon on October 1<sup>st</sup>, 2019 should still be in place, with a simple zoning amendment to allow for the building size.

Sincerely,

Bill Day

1277 Hastings Dr.  
London, On  
N5X 2H8

[REDACTED]  
[REDACTED]

**Sundercock, Meg**

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**From:** Bret Downe [REDACTED]  
**Sent:** Thursday, June 11, 2020 12:03 PM  
**To:** Sundercock, Meg  
**Subject:** [EXTERNAL] Comments pertaining to File: SPA20-029

Dear Meg Sundercock,

I hope that you are well.

It's my impression that the following conditions need to be met, as part of the process of due diligence, before the appropriateness of the proposed Site Plan may be considered at a future meeting of the Planning and Environment Committee.

1. Perimeter tree buffer zone

There needs to be a specific, process-oriented, plan which clearly indicates the ways in which the trees located in the buffer zone will be preserved

2. Drainage / Grading Plan

There needs to be a specific plan which clearly indicates the ways in which the drainage and grading of the property will be effected as to ensure that adjacent properties are not adversely affected.

3. Traffic Flow into and out of the property, from and onto Fanshawe Park Road

Traffic, both public transit and private vehicle use, is extremely congested in both directions already, and the anticipated increase in traffic will only serve to exacerbate this condition. Effective traffic calming measures need to be projected, compared with current data and adjusted accordingly.

Regards,

Bret Downe

Sent with [ProtonMail](#) Secure Email.

**Sundercock, Meg**

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**From:** Claudia Clausius [REDACTED]  
**Sent:** Tuesday, June 23, 2020 3:57 PM  
**To:** Sundercock, Meg  
**Cc:** Hopkins, Anna; Claudia Clausius; Deb Beverley; Michael J Crawford; ronmcdougall@royallepage.ca  
**Subject:** [EXTERNAL] RE: File: SPA20-029 - 307 Fanshawe Park Road East

Dear Ms. Sundercock,

**RE: File: SPA20-029 - 307 Fanshawe Park Road East**

I am writing today regarding the most recent proposed development on 307 Fanshawe Park Road.

Thank you very much for your efforts to provide us with up-to-date plans and clearer resolution images. This is very much appreciated!

I would like to comment on five main issues:

**1: Tree Preservation:**

- Agenda item 8.2.8 (3.3) of the October 2, 2019 meeting of City Council is as follows:
  - i. trees on and within the east, south, and western boundaries **be preserved as a buffer**;
  - ii. that where hedging is sparse it be supplemented post-construction;
  - iii. that the comments from the Urban Design Peer Review Panel (UDPRP) from their meeting held on July 17, 2019; and;
  - iv. subject to iii) above, the submission of a revised site plan to the UDPRP for review
- In your recent June 22, 2020 communication with the Old Stoneybrook Neighbourhood Association, you wrote:
  - **"Tree preservation is a large component to this application and our landscape architect and myself have been working closely with the applicant since the file was opened to increase tree preservation measures and save as many as possible, as compliance with the resolution of Council is a requirement of Site Plan Approval."**
- It has become increasingly clear during this process - both from City Council and from the OSCA - that THE most important issue on this site is tree preservation. To this end, the parking lot was also deemed too large and has been modified. This is good news and directly responds to City Council's request. However, it is important to focus on the intent with regard to tree preservation. City Hall has clearly stated that trees on the "boundaries **be preserved** as a buffer." This means that all the boundary trees and as many within the boundary be preserved. Working to save "as many [trees] as possible" is **not** the same thing at all. We understand that the development will require the removal of all the mature, large, beautiful trees in the interior of the lot. This is already bad news considering society's increasing anxiety about air quality and global efforts to save such trees, especially in a city formerly known as the Forest City. I feel very strongly that the development cannot dictate what trees are "possible" to save and which are not. This is working backwards of City Council's explicit directive.

The maximum development potential cannot be the measurement of the "possible" Asto determine which trees will be condemned and which will be permitted to live. City Council has made that decision already by giving specific instructions regarding all the boundary trees. There is no further interpretation necessary here. This is an unambiguous instruction. The boundary trees and those just within, must stay - this is clear from City Council's precise wording of that item. The development must work within the space within that boundary. If the development is allowed to encroach on the treed boundary, then that Agenda item is violated both in letter and spirit. The discussion that needs to develop is how to configure the building in such a way that it fits within the frame of those trees. It goes without saying that the residential spaces in the building will be much more attractive to future buyers if the trees remain. As well, the parking lot maximum must not encroach and dictate tree removal - there are options - underground parking for some spots, lower residential intensity, etc.

## **2. Snow Removal:**

- the builder intends to remove rather than store the snow. The problem here is that we have no way of securing compliance with this plan. Indeed, if he were to sell the development - and there is a good chance that this will happen - the new owner may decide to store the snow. The difficulty is geographical: with this plan any snow storage must occur right against the southern property line that gradates downwards. All that melting snow or extreme rainfall (or both as happened two years ago) will flood basements, pollute pools, and drown the gardens. I feel strongly that whatever plan is proposed must include snow storage as a permanent part of the development;

## **3. Windows:**

- in the current proposal, the 3rd floor west windows of the building fronting Fanshawe are now full windows looking over the neighbouring properties. In the earlier plan, the developer had met privacy considerations by opting for transom windows on that side of the building. There is no good reason to go back on that decision, especially since both PEC and City Council passed this part of the plan and were satisfied that the privacy of neighbouring properties was respected;

## **4. Light Pollution:**

- you mention that only one property will be affected by the development's lighting. This seems scarcely fair to this property owner, whose right to protection from light pollution is equal to anyone else's. It's important to keep in mind that this development penetrates deeply into and will be entirely surrounded by residential properties. This is what makes this development uniquely challenging. The key then is to make decisions that reflect that fact. There is no reason why lighting cannot be waist-high residential lighting; that would be safe for the residents of the building while not casting unwelcome light into a neighbour's bedrooms at night. Having high industrial lighting on this property makes no sense and is not necessary. There are other options that are beneficial, attractive, and in fact cheaper for everyone.

## **5. Storage Shed:**

- the mysterious storage shed on the south east corner of the property is located in the middle of boundary trees that City Council instructed must stay. The storage shed, whose purpose, height, and design is not made clear in the proposal, will need to be relocated.

Thank you for this opportunity to clarify my thoughts on the proposal. I look forward to moving ahead with this proposal in a way that both welcomes new residents into our neighbourhood and that maintains the mature landscape and modest, understated building tradition of the area.

Most sincerely,

Claudia Clausius

Dr. Claudia Clausius  
Associate Professor  
Department of English, French, and Writing  
Coordinator: Foundations/King's Scholar  
King's University College at Western University





**Sundercock, Meg**

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**From:** Debbie Beverley [REDACTED]  
**Sent:** Monday, June 8, 2020 3:40 PM  
**To:** Sundercock, Meg  
**Cc:** Yeoman, Paul; Hopkins, Anna  
**Subject:** [EXTERNAL] Re File:SPA20-029 – 307 Fanshawe Park Rd East

Dear Ms. Sundercock,

We are writing as a community to express concern that the Site Planning Process is going ahead irrespective of the COVID19 conditions mitigating against our community meeting to prepare a coordinated response.

We are grateful that you recently both sent and posted the missing revised tree plan, revised grading/drainage basin map, and higher resolution elevation plans. These plans are critical components to a file that has undergone substantial revision and been the subject of protracted PEC and City Council debate and constraint/conditions.

Both times the proposal went before City Council, buffering and the size of the parking lot were major points of discussion. Parking lot size and the removal of all trees was deemed unacceptable and a compromise was sought. We hasten to add, that in City Council Resolution concerning Agenda item 8.2.8 (3.3) of 1 Oct 2019, subsection b), it was clearly stated that:

- i. trees on and within the east, south, and western boundaries be preserved as a buffer;
- ii. that where hedging is sparse it be supplemented post-construction;
- iii. that the comments from the Urban Design Peer Review Panel (UDPRP) from their meeting held on July 17, 2019; and;
- iv. subject to iii) above, the submission of a revised site plan to the UDPRP for review

When asked by Councillor Turner if City Planning would interpret section b) as requested, or directive, (1 Oct 2019 timestamp 3:39:40), City Planner Paul Yeoman responded that the sections would be interpreted as “a requirement” of Council (timestamp 3:40). Also explicitly addressed at Council was that Urban Planning Peer Review Panel had suggested moving some parking underground to free up common-use amenity space. Moreover, Mr. Yeoman went on to state that the number of parking spots (53) was not a requirement but a **maximum allowable**.

The addition of a new structure, a storage shed (12 feet in height, with a depth of 23 feet and width of 18 feet), as well as the addition of a small central amenity space for residents (2 picnic tables), means that in order for the developer to maximize parking and units, the very treed buffer zone that City Council mandated be preserved has not been implemented. Indeed, with the exception of a single border tree, no trees on the east, south, or west boundary - or within - are being preserved. The 13 trees designated preserved are on neighbours' property which do not count as being 'saved' as they aren't part of the site, and even some of those are at risk. In fact, the number of trees preserved remains exactly the same number as depicted on the plan presented to Council on 1 Oct. 2019, and that was deemed insufficient. For residents, this is unacceptable. Clearly, tree preservation and buffering is still being sacrificed to maximize parking and residential unit density. This is not faithful to Council's directive, nor respectful of the process of deliberation and compromise enjoined by the community. If there is insufficient room for the new structure and amenity space within the boundary tree buffer zone, then parking needs to be reduced, and consequently also building density. This is not negotiable, this is a statement of City Council's directive.

The stance of the Old Stoneybrook Community Association is that the inclusion of a storage shed and a central amenity space (mandated by the UDPRP), cannot be at the expense of the much-discussed and City Council-endorsed boundary tree buffer zone. Recall, the requirement of Council was to preserve trees **both on and within the boundary**. If additional space is required to accommodate the new amenities (shed and picnic tables), it **MUST** be at the expense of parking spots, and if this requires a reduction in the number of units, so be it - the density proposed is too high to meet all other constraints of the space.

A reduction in unit number could present a silver lining: the northern building block that requires set back accommodation could now be staggered (removing one or two units off the top two floors to afford the western neighbours more privacy).

We are disturbed that UDPRP has not had input as required. We itemize some additional observations:

1. There are peripherally located lamp poles specified - commercial light standards rather than garden path-style lighting. Tall light standards arrayed around the periphery do not respect the privacy and buffering that should be provided to immediate neighbours and creates intense light pollution *all night* for the 13 property's that border the site - we require more centrally located and pedestrian height garden lighting instead;
2. If we read the numbers correctly, the southern block of buildings is 3/4 of a meter closer to the Western property owners. The removal of trees makes this even more unpalatable and disrespectful of process;
3. The transom-style windows on the western end of the northern (taller) block of buildings have been replaced with full length windows. The former had been offered as a means to minimize loss of privacy for neighbors on the north western border. Why has this changed? If parking and residence numbers are diminished, please ask that the upper two stories of the northern residential block be staggered back from the Western boundary, and that no large balconies replace them;
4. The lower parking lot is 1/4 meter closer to the eastern property owners;
5. With the introduction of a south-eastern storage shed, there is less room to move and store snow – this storage zone appears to have been moved to the Western edge of the upper parking lot in a 13 foot wide space, as well as to the Eastern edge on the curve of the driveway / upper parking lot; this results in a space that is approximately half the size of the previous snow storage area that would otherwise have run along all of the eastern edge of the south lot. A bad drainage situation just got worse, and the risk of localized flooding has increased. This has previously been a major concern of residents since the alluvial clay of the neighbourhood generally, and the site specifically, encourages pooling. The only place left for snow to be stored when cars are parked is in two concentrated zones off the ends of the parking lots (southern end beside the shed, and western end of the northern parking lot);
6. Although there are a couple of accessible parking spots, there are no accessible apartments - all are accessed by stairs either up or down;
7. There is no indication of how air conditioning will be implemented.
8. While it is difficult to tell from the submitted documents, it appears that the water management is no longer being directed to the South-West corner into the storm drain, water flows indicate that it will run between the two South-West properties. This has the potential to cause major flooding to the backyards and basements of these houses and possibly raise the water table to the point of impacting other backyards and basements; again, this is unacceptable.
9. We gratefully acknowledge the admission by the city that the re-zoning needs to be completed again to consider Building B which as currently proposed, is to have 3 stacked units, which is outside the scope of the zone granted. However, we are greatly concerned about this returning to zoning again, and need assurances that the re-zoning undertaken will not remove all other provisions agreed upon by the city on 1 Oct 2019.

In summary, we are disturbed by the substantial alterations to the plan (an additional structure), and the lack of respect for the tree protection and privacy buffering mandated by City Council. We look forward to discussing this further.

Sincerely

Deb Beverley, President,

Old Stoneybrook Community Association (OSCA)

**Sundercock, Meg**

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**From:** FRED CULL [REDACTED]  
**Sent:** Tuesday, June 23, 2020 2:49 AM  
**To:** Sundercock, Meg  
**Subject:** [EXTERNAL] 307 Fanshawe park road East FILE SPA20-029

Hello Meg. My name is Fred Cull I live at 33 Camden Place and our property looks directly onto the 307 Fanshawe site.

My wife Cathy and I moved into our home in 1977 when our Old Stoneybrook sub division was being developed. We have always enjoyed living here and raised our 2 daughters here, Now they are married with kids of their own, our Grand kids enjoy coming over and like to play in our backyard.

WE were very sad to see a large excavator appear one day unexpectedly , and began demolishing the old yellow brick farm house on the 307 property, then a few days later they demolished the old barn that we looked directly onto.

It is worth noting that this developer ordered the demolition without having a permit.

We have seen various plans by developers It all started 12 years ago. We have been involved with so many meetings with these different developers and with the city planners and councils over the years.

In the fall of 2019 we had a meeting at city hall ,where council approved the developers application, but only with certain conditions .

We received a new application on May 25/20 with a revised plan.

You received a letter recently from our Old Stoneybrook Community Association which provides you with our response to the revised plan, I am in agreement with the position of our association.

I also have some issues with this developers plan.

REFER TO THE TREE PRESERVATION PLAN.  
#1

We have a large Silver Maple tree in our backyard. It is tree #14 shown on the tree preservation plan

This tree is part of our garden and is on the border line between our property of 33 Camden Place and is referred to as a straddle tree , as it saddles the 307 lot.

The developer is required to consult with me if he wishes to cut this tree down. He has indicated previously that tree # 14 was slated to be removed.

I want to save this tree.

He has never consulted with me . I have expressed my view on saving this tree from destruction when I spoke at the city council meeting . the developer was present at that meeting and he knows my position on saving this tree .

I need some assurance from the developer that the tree and it's root structure will not be damaged in any way during construction . And if the tree dies after construction the developer is responsible for paying to have the damaged tree removed .

## #2 THE SANITARY SEWER

The developer has indicated that they plan to direct the Sanitary Sewer from the site out to the Camden Place Circle.

According to the developers consultant ,they claim that a 6 inch pipe that is was buried in the ground some 50 years ago and is located in an easement between our home and the next door is large enough and assuming is in good condition to handle all the sewage from these 42 units.

That is based on 2.4 people living in each unit or sufficient to service 101 people.

The city claim that old 6 inch pipe could handle sewage for up to 101 people.

WE DON'T KNOW HOW MANY PEOPLE COULD BE CRAMMED INTO THESE RENTAL UNITS.

If 3 people share a unit X 42 units =126 people

If 4 people share a unit X 42 units = 176 people

If 5 people share a unit x 42 units = 210 people

That's way too many toilets flushing ,a 6 inch pipe would have sewage backup, a burst pipe could cause raw sewage onto my property and into my basement.

I have already expressed our concern that this Sanitary Sewer should be hooked up to the main pipe on Fanshawe rather than tear up our yards and road.

The development will be installing plumbing pipes installed underground to the buildings , so it makes sense to also have sewage directed out to the main on Fanshawe. Our neighbors are very unhappy and concerned that the developer still indicates the sewer hook up in the middle of our cul de sac on Camden Place

## #3

### LIGHTING

This revised plan shows the lighting .

One of these lights in particular would cause a problem for us.

The plan is to mount this light up on a high 18 foot pole , directly adjacent to our back yard and only 6 meters from our property .

The plan is the use the strongest light of the 3 types they plan to use.  
The code for this particular light is XA =102 W 12,575 LUMENS

That Intense amount of light would flood onto our property.

I see on their plan they would use softer lighting throughout the rest of the property,  
eg. Code AB =70w 8895 LUMENS. AND 54W 5709 LUMENS

Need to reduce light pollution onto adjacent property's. Especially that 12,575 Lumens only 6 M from our back yard.

#4

SNOW STORAGE.

The plan is to plow snow up against our back yard, The snow melt salt and chemicals would flood our back yard and kill our gardens. Need to avoid snow piled up against my property.

What we really need for the property's along the entire east side is a sound barrier wall that may help to reduce flooding onto our yards and into our basements.

#5

FLOODING IS A MAJOR CONCERN.

With most of mature trees that absorb gallons of water being destroyed, and replaced with the 2 huge buildings and large hard surface paved parking lots , flooding is a major concern for adjacent property's.

You may find it interesting that this developer has shown no respect for our community. Ongoing issues with him. Our homes are 1.and 2 story's high,we take pride in our homes and we only wish a developer would apply to build some nice condo's that would enhance our neighborhood instead of the 2 ugly buildings he plans to build. They don't fit!

If you have time could you stop by our home and I would show you the 307 Fanshawe site from our back yard, It would give you a better idea of what we are dealing with here, THE GRASS -WEEDS are disgusting . Here we are near end of June and he has not been around to mow down the overgrown mess. Just an indication of what to expect in the future from this developer.

Sincerely Fred Cull 33 Camden Place 

**Sundercock, Meg**

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**From:** garry buitinga [REDACTED]  
**Sent:** Monday, June 22, 2020 1:09 PM  
**To:** Sundercock, Meg  
**Subject:** [EXTERNAL] 307 Fanshawe road

To whom it may concern

I live at 15 Camden road and back on to the subject property at the rear. My concerns are the new shed and the drainage plan, or lack thereof. Water already ponds in my yard in the spring and after a large rainfall. Also I don't understand the introduction of a storage shed. What is to be stored in this building? I welcome development of this lot but do not want to have to deal with the associated drainage problems.

Thank you

Garry Buitinga  
15 Camden road London



**Sundercock, Meg**

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**From:** [REDACTED]  
**Sent:** Thursday, May 28, 2020 1:03 PM  
**To:** Sundercock, Meg  
**Subject:** [EXTERNAL] FW: 307 development

Hello Ms. Sundercock,

I am writing you to express my concerns as to : The plan announcement as posted:

<http://www.london.ca/business/Planning-Development/land-use-applications/Documents/londoner/2020-05-21/SPA20-029%20-%20Notice%20of%20Application.pdf>

They are obliged to respect a tree buffer zone around and within the perimeter (depth not specified) and there is a new structure that will sit immediately behind my house and necessitate removal or trees.

Our position as a community is that City Council voted and passed an amendment to the re-zoning on 1 Oct. 2019, and that if they add an additional structure, it will have to be well within the perimeter, leave the trees, and do so at the expense of parking spots if necessary

Both times the proposal went before City Council, buffering and the size of the parking lot were major points of discussion. Parking lot size and the removal of all trees was deemed unacceptable and a compromise was sought. We hasten to add, that in City Council Resolution concerning Agenda item 8.2.8 (3.3) of 1 Oct 2019, subsection b), it was clearly stated that:

- i. trees on and within the east, south, and western boundaries be preserved as a buffer;
- ii. that where hedging is sparse it be supplemented post-construction; Most importantly, the current plan lacks a tree preservation plan. If you recall, the Oct. 1, 2019 City Hall Council Meeting specified that the developer was OBLIGED to preserve the perimeter tree buffer zone on the lot. This was not a guideline or suggestion; it was a mandatory requirement. However, the shed requires the removal of additional trees. As well the current plan lacks the drainage/grading plan, another critical issue to avoid flooding of adjacent lots.

Respectfully ,here are some points for your consideration:

1. There is a new structure in the south-east corner: a storage shed (perhaps for bicycles but function is not specified).

This shed will likely require the removal of more trees than they are required to preserve, my concern is that I already have drainage issues as the land exists as mu sump pump is on quite often ,

and I am hoping we can agree cutting more trees down will only serve to exacerbate the flow of water onto my property.

2. snow storage has moved to the western edge of the upper parking lot in a 13 foot wide space. This is approximately half the size of the previous snow storage, which would have run along all of the eastern edge of the south end parking lot. In other words, a bad drainage situation just got worse.

3. There is no indication of how air conditioning will be implement

I guess the main thing is, that the developer is required to honor what has already been agreed to

Thank you, for considering the above points expressed

Gerry Croxall

17 Camden Rd

N5X 2J8

London Ontario

**Sundercock, Meg**

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**From:** [REDACTED]  
**Sent:** Thursday, May 28, 2020 1:21 PM  
**To:** Sundercock, Meg  
**Subject:** [EXTERNAL] Re site plan 307 Fanshawe Rd. London Ont

I apologize Ms. Undercock , I had intended to include the important point of lighting as in the new plan lists pole lighting which is in fact commercial parking lot lighting  
...studies conducted by various countries reveal that bright lights that are operated during the night hours have an effect on those that live in close proximity to the constant bright light ,  
having said that of course ,I realize that lighting is required but it is our desire that the lighting be positioned as far away as possible from the lot lines of the neighbouring residents .  
Thank you again for your consideration,  
Gerry Croxall  
17 Camden Rd N5X 2J8  
London Ont.

**Sundercock, Meg**

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**From:** GLORIA MCGINN-MCTEER <[REDACTED]>  
**Sent:** Monday, June 8, 2020 2:12 PM  
**To:** Sundercock, Meg  
**Subject:** [EXTERNAL] Fw: 307 Fanshawe Park Rd. E

[Sent from Rogers Yahoo Mail on Android](#)

----- Forwarded message -----

**From:** "GLORIA MCGINN-MCTEER" <[REDACTED]>  
**To:** "msundercock@lomdon.ca" <msundercock@lomdon.ca>  
**Cc:** "Anna Hopkins" <ahopkins@london.ca>  
**Sent:** Mon, 8 Jun 2020 at 2:09 PM  
**Subject:** 307 Fanshawe Park Rd. E

Reviewed information sent May 20/20. Remain opposed to development recommended for this location.

Of particular concern is SWM. Additional concerns is loss of trees, and traffic issues exiting onto Fanshawe. Recommend less parking. Transit is right there. Three story units are well placed along Fanshawe. Reminder about noise issues, as expect will be primarily students who are being parachuted into single family home neighbourhood.

Spoke w Councillor Hopkins recently, who is aware of the concerns we discussed, as noted above.

Unless SWM can be sorted out, natural solution is to reduce number of units.

Gloria McGinn-McTeer  
18-683 Windermere Rd.  
London N5X 3T9  
[REDACTED]

Past President  
Stoneybrook Heights/Uplands RA

[Sent from Rogers Yahoo Mail on Android](#)

**Sundercock, Meg**

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**From:** John Howitt <[REDACTED]>  
**Sent:** Tuesday, June 23, 2020 4:54 PM  
**To:** Sundercock, Meg  
**Subject:** [EXTERNAL] File: SPA20-029 - 307 Fanshawe Park Road East

Dear Ms. Sundercock,

My wife and I would like to express our support for the detailed submission made by the Old Stoneybrook Community Association executive to the site planning committee concerning this proposal.

*John Howitt and Anne MacDougall  
1281 Hastings Drive*

**Sundercock, Meg**

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**From:** Lindsey Bradshaw <[REDACTED]>  
**Sent:** Tuesday, June 23, 2020 10:56 AM  
**To:** Sundercock, Meg  
**Subject:** [EXTERNAL] 307 Fanshawe park road

Hello,

I am writing to you concerning the development on 307 Fanshawe park road east. I reside at 35 Camden place. I have a few concerns about the current proposal first off you have my hedge that borders the property on the tree report marked as mixed hedging, there are currently between 20 and 24 maple trees growing there on my property that would need to be preserved and have not been updated in the tree report. I do not agree with the fence that borders my entire backyard being on the zero lot line as I do not want any responsibility for it. I would also like to see the fence raised to 7 to 8 feet and be comprised of a much more solid material then board on board fencing to provide some privacy from the many vehicles that will be using this “driveway”, and also to ensure that I have some safety measures in place should there be any car accidents as the road is elevated above my property and inches from my backyard. With 53 parking spots and deliveries, food orders mail and visitor traffic this will be heavily used, I do think that my family and future residents will need more of a buffer for privacy and safety then what the current plan proposes. The snow storage that is graded higher then my property and is located at the end of my property line will cause me flooding in an area that already has a very high water table. I don’t believe that it is fair that this development should cause me flooding and water issues, and since water always flows down it’s inevitable that I will end up with a large swamp every spring. There is also a large street light that will abut my property near the road which would need to be moved to the other side of the driveway or changed to garden lighting. I am not an engineer or architect but in reviewing the plans online they seem to be pushing the limits and going to the maximum allowable for every rule and bylaw and will cause the current residents and future residents a number of issues. The traffic report suggesting that residents pull u turns to get in and out of the property is scary, we see accidents all the time at this busy corner and to be fair creating more room for driver error on a busy street like Fanshawe is ludicrous. One more accident at this corner is one too many. I agree with the letter written by the stoneybrook association, it does seem as though everything council told them they had to do ie trees and privacy, up to date sound and buffering reports, height restrictions have been completely disregarded. I would hope that this plan will be declined in its current state and revised. I understand the push for housing in the city but I don’t think this plan meets the zoning and city requirements that have been laid out. Thanks in advance

Lindsey Bradshaw  
35 Camden place

**Sundercock, Meg**

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**From:** Michael J Crawford <[REDACTED]>  
**Sent:** Saturday, June 6, 2020 4:49 PM  
**To:** Sundercock, Meg  
**Cc:** Hopkins, Anna; Yeoman, Paul  
**Subject:** [EXTERNAL] SPA20-029 – 307 Fanshawe Park Rd East

Dear Ms. Sundercock,

Thank you for helping us to gain access to the additional plans needed to visualize what is proposed. The additional information made for interesting reading.

I have to say that the latest iteration of the plans left me both astonished and profoundly disappointed. A little context: the plans failed to achieve the endorsement of PEC on two occasions, and received approval by City Council only on the second attempt. Major considerations were the lack of adequate buffering for neighbours, and adequate storm/melt water collection and removal.

Both UDPRP and members of Council had commented on the extensive size of the parking lot, and UDPRP in particular suggested putting part of the parking underground. Moreover, when City Council finally passed the re-zoning application on 1 Oct. 2019, it reduced the number of parking spots allowable in order to improve the preservation of trees **both on and within the boundary**. Mr. Paul Yeoman, when asked by Councillor Turner regarding the wording of an amendment to the rezoning bylaw, stated explicitly that the buffering and return to UDPRP would be taken **"as a requirement of Council."** (Agenda item 8.2.8 (3.3) of 1 Oct 2019, subsection b) timed at 3:40)

Imagine my disappointment that the tree plan has not managed to preserve a single additional tree. Why? there are two additional uses of surface area proposed. One is a south eastern storage shed (requiring removal of mature trees), and the other, a small central shared amenity space for residents. The inclusion of these two spaces may or may not be required to meet other regulatory demands or suggestions by UDPRP and City Planning, however they cannot be interposed at the expense of the required tree and privacy buffer zone. If impingements must be made, they must be at the expense of parking spots and residential unit numbers proposed.

There are two other issues that I take issue with. The first is that the plan now shows lamp posts situated around the periphery of the parking lot. Whatever assurance we have received in the past (that light will be directed away from adjacent properties), the rude reality is that our gardens and houses will be subject to considerable light pollution after hours. There is no reason that lighting cannot be pedestrian height and located adjacent to the residential units to minimize disturbance of neighbouring properties. The second is that flood control has been a major concern since the project was initially proposed. The location of a storage shed in the south east corner effectively halves the practical space remaining to store snow. Given that snow removal will, according to the builder's own estimates (only 19 cars leave in the morning, 24 return in the afternoon), have to contend with parked cars at all hours, then the ends of the parking lot are the only place for snow to be shifted. This effectively concentrates snow into large mountains at the ends of the proposed parking lots. A good rain in combination with a thaw (as has happened in previous years) leaves us concerned that the project will flood our properties and basements.

I look forward to seeing how the plan evolves, and the mandate of City Council (and the informed input and efforts of residents to support reasonable development), will be respected during the evolution of this plan.

Sincerely,

1

Michael Crawford  
21 Camden Place  
London Ont.  
N5X 2K5  
[REDACTED]



**Sundercock, Meg**

---

**From:** Michael J Crawford [REDACTED]  
**Sent:** Tuesday, June 23, 2020 10:44 AM  
**To:** Sundercock, Meg  
**Cc:** Hopkins, Anna; Yeoman, Paul; McNeely, Heather  
**Subject:** Further thoughts: [EXTERNAL] SPA20-029 – 307 Fanshawe Park Rd East

Hello Meg,

I have two further and specific challenges to convey.

First, lighting standards. Why should a neighbor have to tolerate even dusk levels of light? For example, I use a telescope. Why should a developer now alter my enjoyment of the night sky? Why should light levels alter neighboring resident's' enjoyment of night's darkness and effects on sleeping patterns? This is not trivial, it is a health issue. Moreover, measurements made with a meter on an empty lot do not reflect (excuse the pun) how light bounces when there are cars parked. There is no reason that lighting cannot be at waist level like garden lights rather than upon a tall light standard... It would certainly look a little more park like and less industrial... Let's add some tone to the development?!

Second, snow removal does not seem a reliable method to ensure flood prevention going forward. There is nothing in the plan approval or the rezoning that REQUIRES removal, nor at a reasonable hour. Going forward we would be at the mercy of the owner to honor an understanding conveyed informally. Economics, owners, and verbal understandings change with time. The bald fact of the matter is that the plan is too cramped to hold a reasonable space for snow storage, and this is a flaw that can be corrected. THIS stage of planning (and THIS moment) is when we have the single opportunity to make sure this is done right for the foreseeable future. There is a trust issue here that has already been tested by the developer. I for one am not comfortable with a plan that relies on a promise of snow removal in perpetuity, especially since if-and-when economics alter and removal services convert to concentrated local storage, neighbors will be without redress except through expensive court procedures. Rezoning and Planning MUST work for all parties, not merely operate to maximize a developer's profit at the expense of security of property, privacy, and enjoyment for neighbors. Guess you know what I feel... ;-)

Many thanks,

Michael

Michael Crawford  
21 Camden Place  
London Ont.  
N5X 2K5  
[REDACTED]

**Sundercock, Meg**

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**From:** Michael J Crawford [REDACTED]  
**Sent:** Tuesday, June 23, 2020 3:53 PM  
**To:** Hopkins, Anna  
**Cc:** Sundercock, Meg; Yeoman, Paul; Deb Beverley; Claudia Clausius; Ron McDougall; Fred Cull  
**Subject:** [EXTERNAL] tree and buffer preservation

Dear Councillor Hopkins

I hope your summer is progressing well. I have been enjoying the exchange of information with City Site Development Planner Meg Sundercock. She has been forthcoming and helpful with regard to process and perspectives.

However there is an element to the discourse that is disturbing. Ms Sundercock communicated with our Association president, Deb Beverly, who has since shared her information with us. Of particular note is Ms. Sundercock's assurance: "Tree preservation is a large component to this application and our landscape architect and myself have been working closely with the applicant since the file was opened to increase tree preservation measures and save as many as possible, as compliance with the resolution of Council is a requirement of Site Plan Approval". (underline added by me)

I would like to emphasize my support of this move to INCREASE the number of trees preserved, and to voice a concern that a reduction may nevertheless take place. If I understand the online plan dates properly, the recently added landscape plan (22 June 2020) marks absolutely no improvement over the former tree protection plan. Of the dozen trees (down from 14) slated for retention, 9 are on neighbors' property. Of the 3 indicated worth saving that are ON the shared boundary, one is annotated for possible removal. I cannot detect that a single tree within the boundary has been preserved. Moreover, the great tree on Fanshawe is now to be cut down. Apparently the attempt "to save as many as possible" translates to saving as many as possible AFTER and SUBORDINATE to the developer maximizing parking space and residential density in the cheapest way possible.

Far from improving the tree and privacy buffer, the latest plans actively degrade the plan that was required revised and improved by City Council's vote on the rezoning vote 1 Oct 2019. My concern has always been that tree preservation was being driven by a fixed conceptual parking lot size. Parking was set at a MAXIMUM of 53, but according to Mr Yeoman at City Council, the full number of surface parking spaces is not a requirement of the rezoning. I have no interest in endorsing or settling for a tree preservation plan nor a buffer that degrades what came under criticism at City Council 1 Oct. 2019. The reverse needs to occur - the mandated preservation of trees "on and within the boundary" must come first: the newly introduced storage shed, amenity space, and especially the parking lot design (and if need be density), therefore must be re-designed and if necessary, reduced accordingly. There is room to put parking underground and to thereby preserve both residential density as well as neighborhood buffering and trees. If the Developer considers the installation of some underground parking too expensive, then the obvious solution is to reduce residential and parking intensity - NOT to reduce buffering and trees since preservation was directed by City Council.

I am anxious that a revised plan should faithfully reflect the will of Council, not the aspirations of the Developer's maximum allowable density. If tree numbers and buffers cannot be improved, if snow storage cannot be accommodated on site WITHIN these parameters, then the parking lot is too large and needs to be reconfigured or reduced.

Sincerely,

1

Michael Crawford  
21 Camden Place  
London Ont.  
N5X 2K5  
[REDACTED]

**Sundercock, Meg**

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**From:** P [REDACTED]  
**Sent:** Saturday, June 20, 2020 4:09 PM  
**To:** Sundercock, Meg  
**Subject:** [EXTERNAL] File: SPA20-029 - 307 Fanshawe Park Rd.

Dear Ms. Sundercock,

We are writing to express concern and disappointment with the recent Site Plan Control Application.

During the time of this pandemic we now realize more than ever the importance of privacy and outdoor space for exercise and relaxation, not only for ourselves but the future apartment dwellers at 307. This plan does not provide any of this, only concrete and asphalt with virtually no green space and lots of light pollution. We attended the meeting of the UDPRP and listened to their recommendations. We are greatly disappointed that the developer has failed to adopt any of the important UDPRP recommendations.

Some of our other concerns are listed below:

1. Storm Water Management - current drawings indicate the OFR (overflow route) from the storm drain on our property at 7 Camden Rd. would flow south to Camden Road. Someone should visit our property and see that for this to happen the water would have to flow uphill. We suspect the water would instead pond and flood several backyards along the south end of 307 including a portion of our property.
2. Lack of Tree Preservation is not acceptable. Every tree on 307 is to be destroyed.
3. Lighting plan does not respect privacy with insufficient buffering to bordering properties . Garden lighting would be much more appropriate instead.
4. Snow storage area is relocated and is totally inadequate. A bad drainage situation just got worse. Melting road snow will carry salt and chemicals to the hedges along the west side of 307.
5. Window style change provides less privacy for properties.
6. Parking lot is closer to eastern side.
7. Excessive amount of parking and little turn around area.
8. Apartments only accessible by stairs.
9. Air conditioning details not specified.
10. 42 residential units is NOT a good fit for this neighbourhood on a property the size of 307.
11. The relocation of Bldg B on the western side even closer to neighbours is not acceptable.

Our family has lived in the community for the past 37 years. It is a lovely neighbourhood , recently drawing young families back to the area. This is why we need to preserve the green spaces for the children and future residents.

Over the past 10 years we have grown weary of suggesting ideas for this property at 307 Fanshawe. Our ideas have fallen on deaf ears.

Condo units would be a good fit, preserving some trees, less concrete and more green space.

Or a small park.

In conclusion we are greatly disturbed by the lack of tree preservation, privacy buffering and drainage concerns posed by this new plan.

Surely, we can do better.

Sincerely,

Phil and Deena Lincoln  
7 Camden Rd.

**Sundercock, Meg**

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**From:** Ron McDougall [REDACTED]  
**Sent:** Monday, June 22, 2020 12:14 PM  
**To:** Sundercock, Meg  
**Subject:** [EXTERNAL] File SPA20-029 307 Fanshawe Park Rd Site Plan

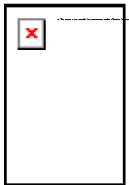
Hello Meg

As I have sent you a previous note I assume that I am on record to be kept up to date on issues involving this file.

I am in full agreement with the position of the Old Stoneybrook Community Association. I want to see a development that will be beneficial to our community and the city while respecting our environment and enjoyment.

I look forward to a fair and meaningful dialog that will mutually resolve our concerns.

Regards,  
Ron



Ron McDougall

Sales Representative

Royal LePage Triland Realty

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Sundercock, Meg**

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**From:** Ron McDougall [REDACTED]  
**Sent:** Tuesday, June 23, 2020 12:36 PM  
**To:** Sundercock, Meg  
**Cc:** Michael J Crawford; Deb Beverley  
**Subject:** [EXTERNAL] SPA20-029 – 307 Fanshawe Park Rd East

Hi Meg

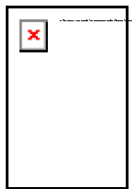
I have copied below the comments to you from Michael Crawford to emphasize that I agree there is a potential and even an expectation of abuse by the developer. Too many requirements are being allowed to meet minimum standards. This is good for the developer but leaves our community at great risk if those standards are not met or prove to be flawed.

First, lighting standards. Why should a neighbor have to tolerate even dusk levels of light? For example, I use a telescope. Why should a developer now alter my enjoyment of the night sky? Why should light levels alter neighboring resident's enjoyment of night's darkness and effects on sleeping patterns? This is not trivial, it is a health issue. Moreover, measurements made with a meter on an empty lot do not reflect (excuse the pun) how light bounces when there are cars parked. There is no reason that lighting cannot be at waist level like garden lights rather than upon a tall light standard... It would certainly look a little more park like and less industrial... Let's add some tone to the development?!

Second, snow removal does not seem a reliable method to ensure flood prevention going forward. There is nothing in the plan approval or the rezoning that REQUIRES removal, nor at a reasonable hour. Going forward we would be at the mercy of the owner to honor an understanding conveyed informally. Economics, owners, and verbal understandings change with time. The bald fact of the matter is that the plan is too crammed to hold a reasonable space for snow storage, and this is a flaw that can be corrected. THIS stage of planning (and THIS moment) is when we have the single opportunity to make sure this is done right for the foreseeable future. There is a trust issue here that has already been tested by the developer. I for one am not comfortable with a plan that relies on a promise of snow removal in perpetuity, especially since if-and-when economies alter and removal services convert to concentrated local storage, neighbors will be without redress except through expensive court procedures. Rezoning and Planning MUST work for all parties, not merely operate to maximize a developer's profit at the expense of security of property, privacy, and enjoyment for neighbors.

Most of our community feel the system is stacked in favour of the developers and nothing can be done. This can lead to an apathy that may appear to be a lack of caring. My concern is for my neighbours who border this property. They deserve better than they are getting.

Regards,  
Ron



Ron McDougall

Sales Representative

Royal LePage Triland Realty

**Appendix D: Agency/Departmental Comments**



300 Dufferin Avenue  
P.O. Box 5035  
London, ON  
N6A 4L9

Zelinka Priamo Ltd.  
c/o Dave Hannam  
318 Wellington Rd  
London ON N6C 4P4

July 2, 2020

**Re: Site Plan Control Approval for, 307 Fanshawe Park Road E London ON – File Number SPA20-029**

The City's appointed officers have the following comments regarding your above Application for Site Plan Control Approval. The Applicant is to provide a response to all City comments and submit it with their next Site Plan Control Approval submission:

Please see enclosed: Engineering Mark-up

<b>General Comments:</b>
<ol style="list-style-type: none"><li>1. As per the h-5 holding provision, the public site plan meeting is scheduled for July 15, 2020.</li><li>2. Relief to the zoning permissions is required to permit the building form as proposed (Building B stacked 3 units high, whereas the definition of "Stacked Townhouse" is limited to 2). This must be resolved prior to the acceptance of a 3<sup>rd</sup> submission.</li><li>3. Demonstrate how the development as proposed conforms to the requirements of the Council Resolution, specifically:<ol style="list-style-type: none"><li>a. <i>the requirement for the protection and preservation of the trees and hedges on the easterly, southerly, and westerly boundary (both shared boundary and within-boundary vegetation) on the subject property, with the exception of invasive species or hazard trees</i></li></ol>Specific attention shall be paid to Trees #6, #14, #21, #31, #36 and #60 which are of particular value to the community. Their preservation during construction and long term health following construction is of the utmost importance. Identify how these trees will be protected and construction impacts will be mitigated. (See Landscape Comments below for additional direction)</li></ol>
<b>Response:</b>

<b>Site Plan Comments:</b>
<ol style="list-style-type: none"><li>1. The encroachment into the required interior side yard setback on Building "A" is not permitted and is not considered to be a cantilever consistent with Section 4.27 of the Zoning By-law as the "bump out" is comprised of habitable space and is a structural component of the building.</li><li>2. Confirm the height of the storage shed to the peak of the roof. It appears to be 5 metres in height and as such is required to be a minimum of 1.6 metres from interior and rear property lines. Currently it is shown with a setback of 1.4 metres and is not in compliance with the Zoning By-law.</li><li>3. Dimension building elevations in metric.</li><li>4. Ensure consistency between plans – the fire hydrant has been relocated on the civil drawings but not on the site or landscape plans.</li></ol>



5. Ensure compliance with the definition of stacked townhouse in the Zoning By-law.
<b>Response:</b>

<b>Landscape Comments:</b>
<p><b>Q.</b> It was stated that the submitted TPP was based on the ISA 9<sup>th</sup> edition criteria. Clarification and elaboration is required on this please. Did an ISA Certified Risk Assessor perform the risk evaluation as per ISA standards? Was the risk based on current conditions or to those predicted following construction?</p> <p><b>Q.</b> Was the tree assessment performed before or after demolition? Conditions of trees may have changed due to heavy equipment operating onsite without the installation of hoarding or fencing. No onsite construction or other works that could damage trees either above or below ground is permitted without an approved TPP.</p> <p>The roots of some off-site trees and boundary trees are showing excavation from construction and grading. Roots that are larger than 20% of their parents' trunk's DBH are integral to a tree's structural integrity and must be pruned with discretion. Pruning to be done by an ISA Certified Arborist. Section 41 of the Planning Act speaks to the protection of adjacent lands.</p> <p>The TPP submitted provided an inventory of all trees onsite and on adjacent properties within 3m of property lines. The inventory included form, tree species, height, DBH, canopy radius, notes, location and proposed action. In addition, the following information is required for each tree:</p> <ol style="list-style-type: none"><li>1. potential for structural failure prior to construction [improbable, possible, probable, imminent],</li><li>2. impact of construction on tree [none, low, medium, high],</li><li>3. recommendations for future management [construction impact mitigation],</li><li>4. identification of trees that need protection above that of fencing, [trees near intense construction]; and</li><li>5. identification of trees that require pre-construction root pruning to help reduce stress to tree. Tree #6, #14, #21, #31, #36 and #60 are of particular value to the community. Their preservation during construction and long term health following construction is of the utmost importance. Include preconstruction remediation recommendations.</li></ol> <p><b>Notes need to be included in TPP pertaining to construction near trees, please refer to City Standards.</b> It is imperative for all crew contracted to perform construction to thoroughly understand these comments and recommendations.</p> <p><u>Preconstruction notes:</u></p> <ol style="list-style-type: none"><li>1. Protective fencing needs to be installed as detailed on the TPP. Fencing must be installed prior to the commencement of any construction activity that may injure an onsite and/or offsite tree and is to remain in place through the entire duration of the project.</li><li>2. Where retained trees are adjacent to areas of intense construction, trees need to be protected from mechanical damage as detailed on Tree Protection Plan.</li><li>3. In accordance with the Migratory Birds Convention Act, 1994, all removals must take place from September 1 to March 31 to avoid disturbing nesting migratory birds. Trees can be removed outside this window only if a qualified bird specialist has determined there are no nesting birds in the trees.</li><li>4. Low impact root excavation [hand-digging, low pressure hydro-vac or air spades] to uncover roots for pruning should be used to minimize the damage to the health and structure of trees. Roots to be pruned where necessary by a Certified Arborist.</li><li>5. Crown pruning, deep root fertilization, watering and soil replacement are required on any tree that is designated for retention prior to construction. Cut</li></ol>

roots in line with the tree protection barriers, prune dead branches and secure back all branches that extend into the construction zone.

6. Monitor trees weekly by Certified Arborist or Landscape Architect.

Construction Notes

1. Care must be taken during tree removals to avoid damaging retained trees on site and on adjacent land parcels.
2. Critical root zones must be kept free of all construction activity above and below ground. No construction, excavation, adding of fill, stockpiling of construction materials or heavy equipment is allowed inside protective fencing
7. During excavation process, roots that are severed or exposed should be hand prune to clean-cut surface. Exposed roots are to be kept moist by any means available and watered regularly to prevent them from drying out.
3. Avoid running above-ground wires and underground services near trees to be preserved. Avoid open trenching in Critical Root Zones

Post Construction Notes

1. Avoid discharging water leaders to retained trees
2. Post construction monitoring of trees may be required.

\*Please reference the **City of London Design Specifications and Requirements Manual Chapter 12 Tree Protection and Planting**

**Guidelines** <http://www.london.ca/business/Resources/Consultant-Resources/Documents/2019-Specs-and-Reqs/12-TreePlantingandProtectionGuidelines.pdf> Specifically Section 12.2.1 details requirements for Approved Tree Protection Plan [TPP].

\*\* **ISA Basic Tree Risk Assessment Form** that outlines accepted arboricultural assessment techniques. [https://www.isa-arbor.com/education/resources/BasicTreeRiskAssessmentForm\\_Print\\_2017.pdf](https://www.isa-arbor.com/education/resources/BasicTreeRiskAssessmentForm_Print_2017.pdf).

**Response:**

**Building Design Comments:**

1. Consider an alternate design of the "bump outs" on the east and west elevations of the Stacked Back-to-Back Townhouse building as these elements will be highly visible and their design has changed due to the step in the building. The bump out on the west elevation encroaches on the side yard setback. A suggested approach may be to remove the bump out while keeping the windows and vents flush with the remainder of the façade.
2. Consider the use of transom windows to allow for additional privacy where buildings face neighbouring properties.

**Response:**

**Engineering Comments:**

*General*

1. Provide external works cost estimate.
2. Provide confirmation that both the storm and sanitary outlet pipes are in good working condition, undamaged and clear of debris prior to site plan approval (this can be completed through video inspection). Add a note to the plans indicating as such to the existing connecting sewers.

*Site Servicing*

1. The proposed servicing configuration does not comply with City Standards or OBC. Please provide separate services for both sanitary and water for the townhouse units where applicable. Unless there is a common space, each

townhouse unit is to have a separate sanitary service leaving the unit (horizontal sanitary/water PDC from one unit cannot be installed underneath another unit and leave building as a single sanitary service (OBC 7.1.5.4.(4)). Per OBC the water service should not run through another unit. Please refer to City Standard 7.9.4. part a). If the units cannot be serviced per 7.9.4 because of floor plans or no basements. Then one meter fronting each residential unit will need to be installed.

2. Previous comments appear to have been misunderstood to indicate the whole building may be service with one service as if it were an apartment building. Thus, to further clarify previous comment #3, see below and attachment #1 outlining acceptable servicing alternatives:
  - i) Typically, one separate service to each unit (OBC 7.1.5.4.(1)). However, for **stacked homes** we have allowed the sanitary piping from the **units** to connect to a single vertical sanitary pipe before leaving the building. Consider revising sanitary servicing as such and ensure compliance with OBC.
  - ii) The servicing drawings indicate either 2 or 3 water services in the same trench to service the stacked townhouses, however there appears to be only one curbstop and one meter pit. If the developer only plans one meter for the two or three **units (stacked)**, only one service would be required. If the developer is planning two or three services they should indicate the location of the curbstops and meters to ensure it will fit and not interfere with sewer separations.
3. If the servicing for the units fronting Fanshawe Park E is re-introduced to comply with design standards please refer to the previous comment and redlines provided for 1<sup>st</sup> submission:
  - a. For the sanitary sewer fronting Fanshawe Park Rd E, show the road widening and ensure the private sewer is located fully within private property (road widening). Also, show the excavation/restoration limit and ensure standard trenching is used with acceptable cut-back slopes, and note the use of trench boxes and/or shoring. U.C.C. presentation for this alignment may be required depending on the trench encroachment. Furthermore, confirm no conflict with shallow utilities and consider providing a cross section to help illustrate the above comments are resolved.

*SWED*

1. Due to the Subcatchment restrictions proposed by the consultant ponding is now indicated for a 2 year storm event. The City of London does not support ponding under a 2 year storm. The consultant should review the proposed and accommodate any anticipated surcharged 2 year volumes within the sites minor system.
2. In addition to the above, A203 does not appear to provide sufficient storage to accommodate the 250 year storm event. Please review the grading plan for opportunities to increase surface storage.

When all comments as set-out above and on the red lined mark-up have been addressed in their entirety the drawings could be resubmitted for our review.

**Response:**

Please include the following with the next submission to [LondonSPSubmit@london.ca](mailto:LondonSPSubmit@london.ca):

- Site Plan
- Engineering Plans
- Tree Preservation Plan
- Elevations
- Cost Estimates
- Update reports
- Response to comments

Should you have any questions regarding your request for site plan approval please contact myself at [msundercock@london.ca](mailto:msundercock@london.ca).

Yours truly,

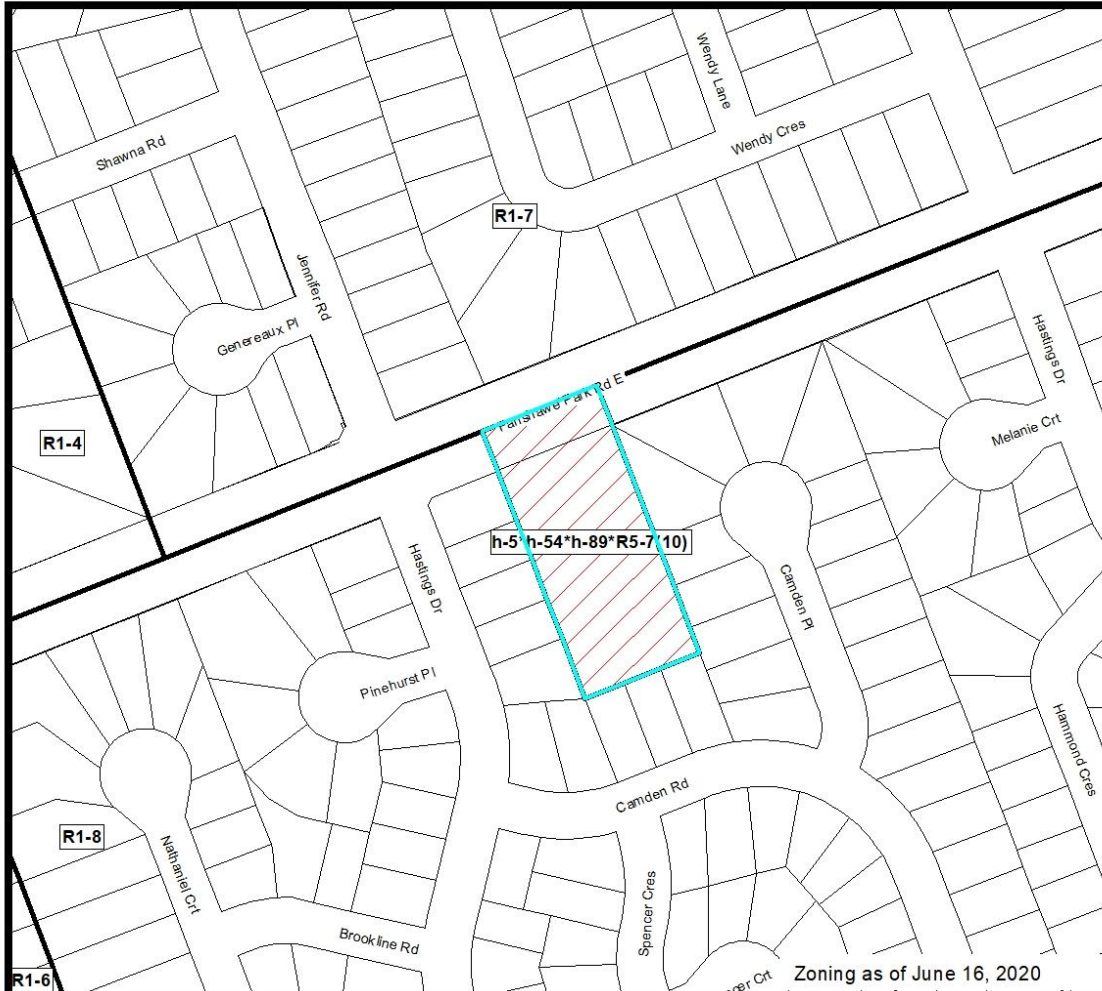


Meg Sundercock  
Site Development Planner

cc: P. Yeoman, Director, Development Services  
H. McNeely, Manager, Development Services (Site Plan)  
[REDACTED]

**Appendix E – Zoning, TLP and Official Plan Map excerpts**

**Zoning Excerpt**



**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:**

1) **LEGEND FOR ZONING BY-LAW Z-1**

- |   |                                   |
|---|-----------------------------------|
| R1 - SINGLE DETACHED DWELLINGS            | RF - REGIONAL FACILITY            |
| R2 - SINGLE AND TWO UNIT DWELLINGS        | CF - COMMUNITY FACILITY           |
| R3 - SINGLE TO FOUR UNIT DWELLINGS        | NF - NEIGHBOURHOOD FACILITY       |
| R4 - STREET TOWNHOUSE                     | HER - HERITAGE                    |
| R5 - CLUSTER TOWNHOUSE                    | DC - DAY CARE                     |
| R6 - CLUSTER HOUSING ALL FORMS            |                                   |
| R7 - SENIOR'S HOUSING                     | OS - OPEN SPACE                   |
| R8 - MEDIUM DENSITY/LOW RISE APTS.        | CR - COMMERCIAL RECREATION        |
| R9 - MEDIUM TO HIGH DENSITY APTS.         | ER - ENVIRONMENTAL REVIEW         |
| R10 - HIGH DENSITY APARTMENTS             |                                   |
| R11 - LODGING HOUSE                       | OB - OFFICE BUSINESS PARK         |
| DA - DOWNTOWN AREA                        | LI - LIGHT INDUSTRIAL             |
| RSA - REGIONAL SHOPPING AREA              | GI - GENERAL INDUSTRIAL           |
| CSA - COMMUNITY SHOPPING AREA             | HI - HEAVY INDUSTRIAL             |
| NSA - NEIGHBOURHOOD SHOPPING AREA         | EX - RESOURCE EXTRACTIVE          |
| BDC - BUSINESS DISTRICT COMMERCIAL        | UR - URBAN RESERVE                |
| AC - ARTERIAL COMMERCIAL                  |                                   |
| HS - HIGHWAY SERVICE COMMERCIAL           | AG - AGRICULTURAL                 |
| RSC - RESTRICTED SERVICE COMMERCIAL       | AGC - AGRICULTURAL COMMERCIAL     |
| CC - CONVENIENCE COMMERCIAL               | RRC - RURAL SETTLEMENT COMMERCIAL |
| SS - AUTOMOBILE SERVICE STATION           | TGS - TEMPORARY GARDEN SUITE      |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | RT - RAIL TRANSPORTATION          |
| OR - OFFICE/RESIDENTIAL                   | "h" - HOLDING SYMBOL              |
| OC - OFFICE CONVERSION                    | "D" - DENSITY SYMBOL              |
| RO - RESTRICTED OFFICE                    | "H" - HEIGHT SYMBOL               |
| OF - OFFICE                               | "B" - BONUS SYMBOL                |
|   | "T" - TEMPORARY USE SYMBOL        |

**CITY OF LONDON**

PLANNING SERVICES / DEVELOPMENT SERVICES

**ZONING  
 BY-LAW NO. Z.-1  
 SCHEDULE A**



THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS

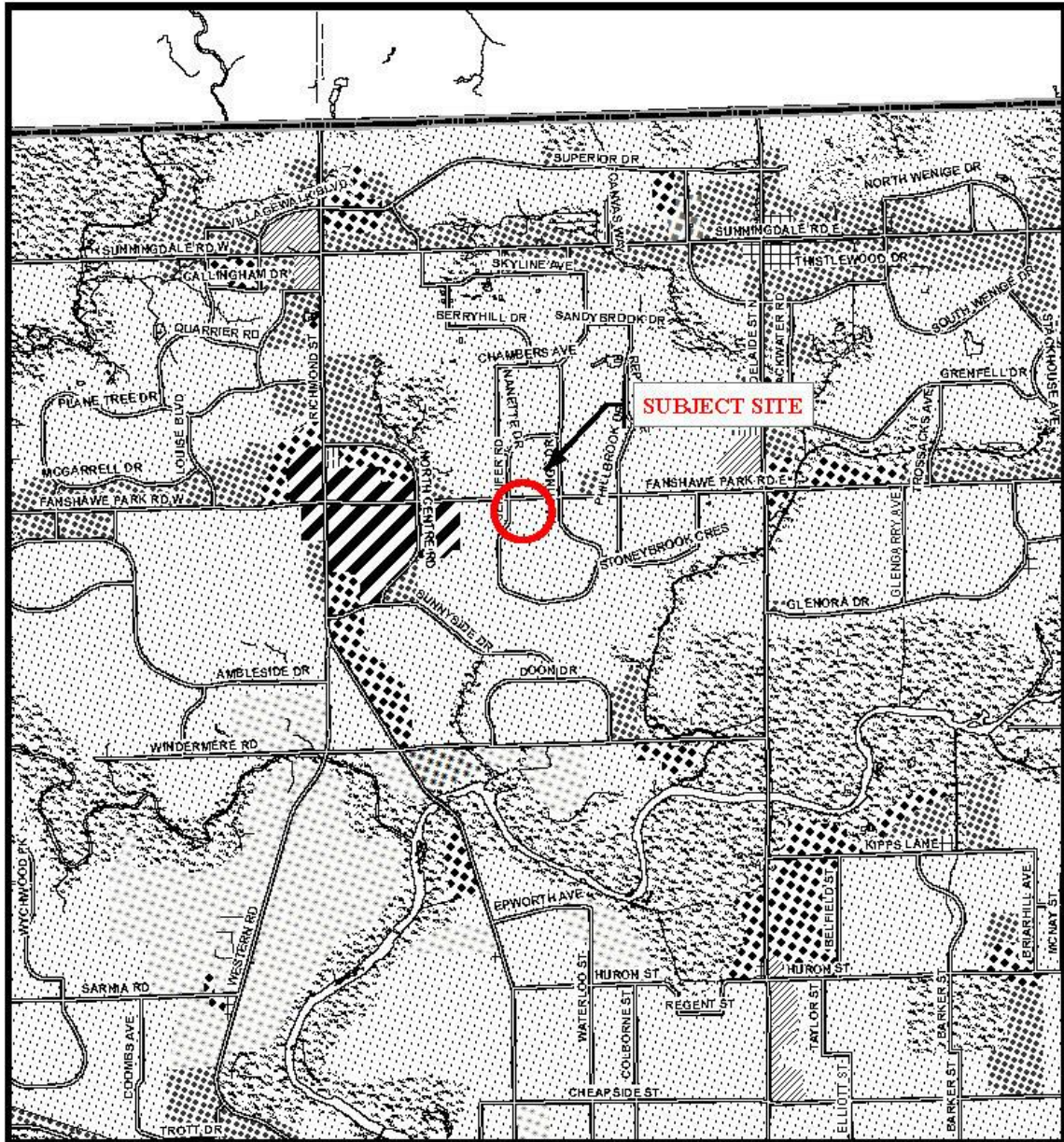
FILE NO:  
 SPA20-029 MS

MAP PREPARED:  
 2020/06/25 DM

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Official Plan Excerpt

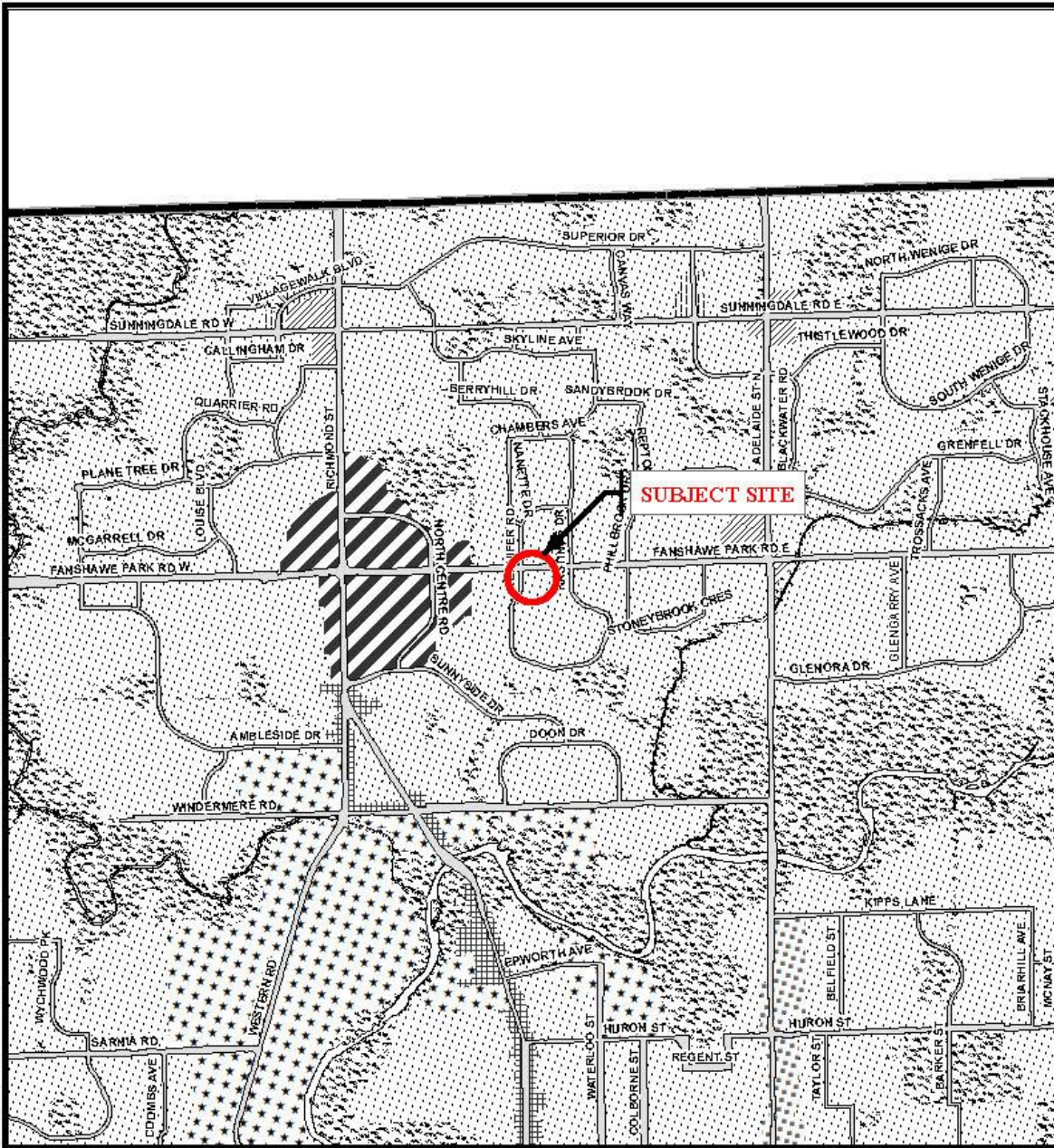


Legend		
Downtown	Multi-Family, Medium Density Residential	Office Business Park
Wonderland Road Community Enterprise Corridor	Low Density Residential	General Industrial
Enclosed Regional Commercial Node	Office Area	Light Industrial
NewFormat Regional Commercial Node	Office/Residential	Commercial Industrial
Community Commercial Node	Regional Facility	Transitional Industrial
Neighbourhood Commercial Node	Community Facility	Rural Settlement
Main Street Commercial Corridor	Open Space	Environmental Review
Auto-Oriented Commercial Corridor	Urban Reserve - Community Growth	Agriculture
Multi-Family, High Density Residential	Urban Reserve - Industrial Growth	Urban Growth Boundary

<p><b>CITY OF LONDON</b>                  Planning Services /                  Development Services  <b>OFFICIAL PLAN SCHEDULE A</b>                  - LANDUSE -</p> <p>PREPARED BY: Graphics and Information Services</p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p><b>FILE NUMBER:</b> Z-9006</p> <p><b>PLANNER:</b> CS</p> <p><b>TECHNICIAN:</b> RC</p> <p><b>DATE:</b> 2019/04/05</p>
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**The London Plan**



**Legend**

- |                        |                          |   |
|------------------------|--------------------------|---|
| Downtown               | Future Community Growth  | Environmental Review                    |
| Transit Village        | Heavy Industrial         | Farmland                                |
| Shopping Area          | Light Industrial         | Rural Neighbourhood                     |
| Rapid Transit Corridor | Future Industrial Growth | Waste Management Resource Recovery Area |
| Urban Corridor         | Commercial Industrial    | Urban Growth Boundary                   |
| Main Street            | Institutional            |   |
| Neighbourhood          | Green Space              |   |

*This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.*

*At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.*

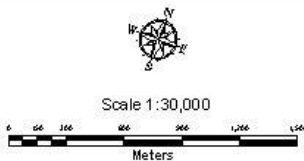
**CITY OF LONDON**

Planning Services /  
 Development Services

**LONDON PLAN MAP 1**

**- PLACE TYPES -**

PREPARED BY: Planning Services



**File Number:** Z-9006

**Planner:** CS

**Technician:** RC

**Date:** April 5, 2019



## PUBLIC PARTICIPATION MEETING COMMENTS

### 3.5 PUBLIC PARTICIPATION MEETING – 307 Fanshawe Park Road East (SPA20-029)

- Councillor Turner: Thank you Ms. Sundercock. So I will look to the Committee for any questions of a technical nature. Ok, seeing none at this point, I will go to a representative of the applicant. I'm not sure which Committee Room we are looking to, perhaps Committee Room 1 I think. If you'd like to speak you have 5 minutes.

- Dave Hannam, Planning Consultant for Royal Premier Homes. Also speaking as part of our delegation is Mike Leonard who is the principal Landscape Architect for Leonard and Associates and also Kevin Moniz, principal Engineer with Strik Baldinelli Moniz, the majority of the time will be taken up by Mike talking about tree preservation and then Kevin will speak at the end with regards to the stormwater management. Obviously there is a bit to go through within five minutes so hopefully there is a little bit of flexibility in terms of timing while people come up and down. As you know, we provided, as part of the agenda package, as part of the agenda package, we provided some graphics that the delegates may be refer to on pages 201 to 203 of the agenda. In terms of the SPA, we acknowledge that this is a collaborative process and there are some refinements to make as we move forward to making our third submission. We hope that all parties that you hear from tonight will acknowledge that the applicant has been willing to work with and meet and listen to the comments raised by staff, by the Urban Design Peer Review Panel and particularly the local residents and we'll continue to do so as well. So, I'll hand it over to Mike who will talk about tree preservation.

- Mike Leonard, Leonard and Associates: Thank you and good evening. Being Irish Catholic three minutes usually doesn't even get me past hello, I'll try for better tonight. Once again an interesting file so to speak quickly, our guiding principles, not all trades are, are created equal, both within species and across species. They're like us, they are composed of an awful lot of water and an awful lot of actively divided tissues, like us they don't live forever. From time to time in fact they tend to develop characteristics and they can fall into the category of hazard trees and we have several on this site. Just a partial correction, in one of the reports before you from staff there was a figure cited that four trees are being kept, that's not the case. Of the forty-seven trees within the client's site we're keeping, we're keeping sixty percent of those and, of course, consistent with City site plan guidelines, adding twenty new ones. The matter at hand that I will dwell on in my remaining time, there were six trees of concern to the residents, the staff and, I'm sure, the Councillors. Of those six trees of concern we're keeping four of them, removing one of them and the fifth tree is still subject to a decision; the reason for that being when myself and our consulting Arborist who peer reviews all of our work disagree we usually bring in a third party, another consulting Arborist to cast the deciding vote. Very briefly, you will see, I think, in your graphics package the tree retention plan. There is a Sugar Maple, nice large sized Sugar Maple on a neighbouring property. We will be specifying a program of best practices and committed to protecting that tree. Further to the south and these are both on the east side of the property, there is a large Silver Maple, tree number fourteen in the old less politically correct age we used to call those widow makers. This tree is a hazard in our view and in the view of our consulting Arborist; however, the owner that our client shares ownership with does want to retain that tree. Consequently by law we're, we're bound to do that. I mean it is possible to litigate because of its hazards but our client has decided not to. We'll be accepting some risk, and in fact, I will say great risk. (*Councillor Turner: about thirty seconds left.*) There is two beautiful burls on the site, one on

the city road allowance, a beautiful one at the south end of the site, the special drainage techniques will be used and the only tree definitely for removal is a huge large old Silver Maple that has to be one hundred years old that met its best date decades ago, and actually has a huge limb extending fully over the neighboring property to the south that is an absolute catastrophe that is just waiting to happen; *(Councillor Turner: so that's about five minutes there; how much, we've got one more person speak, about how long are you speaking sir?)*

- Kevin Moniz, Strik Baldinelli Moniz: I should be able to wrap this up in about thirty seconds I hope; *(Councillor Turner: That would be wonderful. Thank you.)*; Thank you Committee. I'm Kevin Moniz of Strik Baldinelli Moniz, the Site Servicing Engineer and Grading Engineer and Stormwater Manager Engineer for this project. Speaking specifically about the concerns related to stormwater management and snow storage as it relates, I think, to drainage and stormwater management. Firstly, stormwater management, I'll second Meg's comments there that and thank you Meg, we are currently meeting all of the City requirements for stormwater management, no it's not accepted yet because site plan approval is not accepted yet. We've received second submission SPA comments and we're down to two minor clarification items which we will be addressing with our third submission so we are conforming to City requirements on stormwater management and regarding the snow storage there are two areas on both the east and west sides of the property designated for snow storage. On the site plan there was concerns that runoff may melt and flood neighboring properties. The snow storage area on the west side of the property is located on top of a six inch deep conveyance swale with the intention of containing that drainage and directing it to a catch basin on property for stormwater management quantity controls. The area on the east was noted that snow storage is not on a surface swale and although that is correct it has about a five percent slope inwards towards our site onto the parking lot where again, so it will drain onto the parking, our internal parking surface and again to catch basins and to our stormwater management quantity and quality controls. Thank you very much.

- Councillor Turner: Thank you Mr Moniz. I look to the committee for any questions of the applicants of a technical nature. Seeing none at this time so I will go to the community. There are members I believe in Committee Rooms five and one potentially right now. I'll start with Committee Room five. Just as a as a parameters for public participation we limit comments to five minutes. I will try to give you a one minute warning as you approach the five minutes edge there. Also a reminder that this is for comments specific to the site plan so the zoning itself has been approved and has moved forward so this is, this is, really if you can scope your comments specifically to that the site and the site plan that would be very helpful and then that would help us in providing directions to the Site Plan Approval Authority. So, also, as you come forward if you can give your name and address for the Committee and, and we'll go with that so I look to Committee Room five. I have a gentleman standing right in front of the camera ready to go. So over to you sir.

- Michael Crawford, Camden Place: *(Councillor Turner: We'll try that again, I guess. When you are ready Mr. Crawford, I don't hear any feedback at this point so you might be good.)*; Can you hear me now? *(Councillor Turner: Yes.)* Mr chair, your honor and Councillors thank you very much for the opportunity to speak. We have sequenced our presentations together to save some time and you can see the slides starting in your package on page 204. I'm going to be talking a little bit about the historical perspective just to remind you that the community is indeed very supportive of infill development and the opportunity to intensify particularly with regard to improving diversity and aging in place and, to this end, we were pleased when Council approved rezoning with

an amendment and the amendment was a critical consideration because the intensity proposed was extreme for the size and shape of the lot. There are some really difficult constraints not the least of which is that eighty-three percent of the perimeter of this property are embedded in R-1 single resident dwelling only seventeen percent on Fanshawe and what, what Council, City Council, requested was that the Planning Approval Authority work hard to preserve trees and hedges and privacy buffer essentially for the residents and in addition to send the plan to a UDPRP again for analysis. When this work came under debate in City Council, Councillor Turner, thank you very much, asked for clarification and asked if Planning staff would read the recommendation as a directive or as, as directive in nature, considerative of and the response from Paul Yeoman, Mr. Paul Yeoman, who's the Director of Development Services was that it would be considered as a requirement of Council. In further of clarification, Councillor Turner queried the parking lot maximum is the applicant compelled to use fifty-three parking spots and again Mr Yeoman responded that it was to, they were merely establishing maximum. In other words, to quote again it was a cap on the number of spaces. So on page 210 of your document there is a of picture of the revised site plan that sort of illustrates what the complexity of the situation is because the site plan has changed in a fundamental way in so far as a new storage shed has been added and a central amenity space has been added to what was already a very packed configuration and what this means is that it's hard to accommodate the buildings, the mass and form of which we approve, the size of the parking lot, fifty-three, which is really large and the Tree Preservation Plan, so basically something has to give. One of the things that has given in the first iteration of the plan submitted as part of this post City Council amendment was all the trees were being removed, nothing had changed. That's beginning to improve and we're grateful to Meg Sundercock for insisting on preservation of trees but another thing that has changed is that the snow storage space has been diminished and divided in two and one of them sits on top of an area that has no swale so for us the big problem is that there are these extras being added that occupy a footprint that is denigrating or degrading the capacity for adequate snow storage and also what we, what we consider to be appropriate, some tree preservation. So this, this involves the new storage shed, the central amenity area and the tree preservation. Let me just sort of encapsulate the issue here, it's been improved to a preservation of seventeen from fifteen trees originally. The majority of these are on neighbor's property okay, so the numbers sound impressive but really they're saying we're not going to damage neighbour's trees (*Councillor Turner: About a minute left.*) but in order to sort of fit all of the stuff in there have been issues with regarding, regarding encroachments so the setbacks not respecting the front building setback not respected with regard to the storage shed which I infer from comments just made may have been taken into account in previous issue with the zoning amendment and I'm going to stop there and hand over to the next speaker. Thank you very much.

- Councillor Turner: Thank you. We'll take your name and address for the committee. Welcome.

- Claudia Clausius, 21 Camden Place: I think it's become clear that the trees are the issue about this development and it's obvious why. Privacy will be enhanced if the trees are preserved, invasive lighting will be mitigated, the danger of flooding will be significantly reduced; we don't want another wetter incident and there is an added bonus, the quality of life for the future residents of the development will be enhanced; they, too, will have the benefit from the privacy, coolness and fresher air that the trees will offer. We are very worried now with all the talk about which trees are suitable to save and which not. City Council's resolution regarding the Tree Preservation Plan does not specifically stipulate what kind of trees ought to be saved, in fact, we already have a caution

in the City's landscape comments that the developer's demolition of the old house did not respect trees or their roots. It's clear then that the trees are in danger of being destroyed if we do not put specific constraints in place. I would also like to challenge the invasive tree argument for the removal of trees such as, and I'm just taking this as an example, the Norway Maple. The Norway Maple was introduced in 1756; this is from Reforest London so it predates Confederation. "The trees were specifically selected by London and elsewhere because they are fast growing, provide good shade and survive well in the harsh city environments." This site is right beside Fanshawe Park Road so it's a very suitable tree for the site. For the urban resilience Norway Maples are also London's most popular boulevard and park tree. Other examples of invasive species are Spruce, Scotch Pine, Silver Birch, Weeping Willow, many of which people buy from nurseries. As a comic aside, tomatoes and garlic are also an invasive species. More seriously, fifty-two percent of London trees are native, forty-eight percent are invasive and no one would argue that we would want to cut down half of the London trees. London's urban forest affects model, otherwise known as UFOR, is an exhaustive report demonstrating how also invasive trees are critical to London's air quality, its carbon saturation and its water absorption. I'm going to quote from page two of the UFOR report "Management of the urban forest must establish green infrastructure as a primary step in urban design and development standards." So Council's requirement that the trees be preserved directly reflects this Policy. Here are statistics from the UFOR report with regard to the Norway Maple and again, I'm just taking this as an example, in a comparison of all London tree species the total structural value of Norway Maple is nine percent second only to the Silver Maple at twelve percent. Annual carbon storage of Northern Norway Maple is 7.8, second only to Sugar Maple at eight percent, another tree the developer wishes to cut down. Now here is a sobering statistic, a full one quarter of all carbon sequestration in London is accounted for by four species of large shade trees, Norway Maple is second on that list and perhaps more importantly Norway Maples are celebrated for soaking up excess amounts of water and in the case here of a very large parking lot, excess water and snow melt will be absorbed by these trees. The current plan preserves only three trees just within the sites boundary, the so called preserved trees belong to the neighbors, ten trees are on the neighbor's property (*Councillor Turner: Just about a minute.*) on this one tree and there are three trees that are shared. In short, Council's tree preservation resolution is not reflected in the current plan. I would just like to mention, very briefly, privacy and buffering. There's the plan, development uses eighteen foot poles with a maximum brightness of twilight, the fence around the property is seven feet high so there will be no proper darkness on and surrounding this site, not for the neighbours and not for the future residents. Twilight is not darkness and public health officials frequently discuss the importance of circadian rhythms and sleeping patterns as necessary for good health. Luckily there are many modern light options, waist high pole lights with LED lighting would be safe and only cast light where it is needed and not shine into people's residences. Thank you for your attention.

- Councillor Turner: Thank you. So I would look to see if and we do and now in Committee Room one if this is a continuation it seems that everybody is very well timed and so I might dispense with giving you the one minute warning so I don't interrupt you but I will flag it at five minutes. Welcome. Please state your name for the Committee and address and I will start your five minutes. Thank you.

- Deborah Beverley, 25 Camden Place: I'd like to begin my portion just by saying thank you very much for allowing us to speak and for the open dialogue, both with the City and the developer and all the people working on this development site. I want to begin by just talking about some of the

inconsistencies and changes that have repeatedly been occurring that make it very difficult to debate - let alone consider approving - this plan. Starting with something that was already addressed earlier tonight, which we are grateful to hear about but is still concerning that it had to come to light in this way, and that is the original setback for Building 'A', which was four point nine meters. It was supposed to have been six meters but was approved for four point nine during a re-zoning phase, and I promise I'm not discussing re-zoning. The issue though was that the building that was submitted for site plan actually had an encroachment - not at the main level where it did adhere to the four point nine meters, but at subsequent levels of the building. It is concerning to watch the City and/or residents having to point these things out as opposed to them just being adhered to. It may be an oversight, and we appreciate there's lots of details, but it's concerning to us to have to notice these things. The same building - Building 'A', which fronts on Fanshawe Street - is very close to the Western property line of the neighbours that surround it, and the original submission during zoning - the October 1st, 2019 minutes - the submission that was considered for zoning showed transom windows at the three and a half story level, and this would have protected privacy for the residents on the Western side - something that they deserve to have. The submission that's now before you with the site plan actually shows full size windows, and these rooms that the full size windows exist on at this level are living rooms, dining rooms and kitchens. The rooms are going to be very frequently occupied and therefore afford no privacy for the residents on the Western edge who might want to enjoy their backyards in the summertime. Continuing on the theme of privacy and another inconsistency, the plan...there is a fence that runs along the West or the Easterly edge of the property from Fanshawe, and it goes across two properties on the Southern edge. That's shown in the City submission documents on the website, but when you look for that same board-on-board privacy fence in your submission - I believe it's in your agenda package - it appears that it goes all the way around the property, so we're just wondering, which is it? And we urge you and ask you to mandate that it be the board-on-board property fence around the entire circumference of the development. We talked a little bit about the snow storage and the lack of swale, so it sounds like that's already open for me to discuss. Snow storage, if that's to remain on-site in these two small spaces where it has gone from, previously, a twenty-two foot by thirteen foot area space to, now, a small space on the inside of the driveway, the incoming driveway of the property and on the Westerly edge of the property right by the amenity space - this is very, very small. We're concerned that meters high of snow, or anything like this past snowstorm winter - it's going to be excessive. Even with the five percent grade, there is still a slope - not just into the parking lot as we've been told, but there's also one going down into the neighbours' Easterly side. Water is going to run off; it is going to impact and flood basements; and as much as we're grateful for assurances, assurances aren't going to help us when peoples' basements, pools, and vegetation are all damaged and there's higher insurance premiums and repairs that need to be made. If snow is to be removed, which we know is something that was actually discussed informally, we would be grateful for that to happen, we would appreciate that happening. But because of the history and the changes and the inconsistencies, we would be concerned to understand how this would be enforced. How do we ensure that future owners would be accountable for the same requirements? What are the repercussions for neighbours if it's not removed regularly? And what does a regular basis look like - snow build up for one day, five days, three weeks? Again, the same kind of issues can happen with runoff and snowmelt if we have inconsistent weather patterns, so all of these things need to be discussed, and we urge that they be very clearly detailed, outlined and mandated, and the ability to address any lack of adherence to this, that we have a very formal, strict process for addressing it and protecting the neighbourhoods. And when I say neighbourhood, we're including the residents of the site that's being developed, not just the people

surrounding. We're all going to be neighbours together and we're all looking to have a good strong community together. One other thing I wanted to point out that helps to outline why we want to be so diligent and to ask for the strictness in adherence to whatever is decided here today, and that is that earlier this week, some of the members, the developer and an arborist I believe, came out to one of our neighbour's sites to discuss this tree you've already heard about - this beautiful boundary tree that the neighbours do not want to have removed. During that discussion, the neighbour said, "I do not want to have it cut down", and I'm paraphrasing but, "I do not want to have the tree cut down, but I need to have assurance that you're going to protect the roots of this tree so that it will stay strong as it has for many, many years". The response to that, instead of, "We will do our best" or "We will ensure..." was "Whatever happens after we finish construction, we are not accountable for, and it comes down to you as a neighbor - you are liable and you may be subject to lawsuits". This was very likely not intended the way it came across, but it did sound like a scare tactic and bullying, and was not well-received or something that neighbours ought to have encountered. So again, it just makes us very fearful and nervous about strict guidance on this development and any decisions that are made. *(Councillor Turner: Great – I've given you about a minute extra there...are you pretty much done?);* I would just love to wrap up by reminding you, as my colleagues pointed out, that, you know, staff have been echoing many of our concerns about the tree preservations. And we do appreciate the discussion that's been happening back and forth, and look forward to continuing to be involved because the plan does not seem to be final at this point, so we ask and urge that all parties - neighbours included - be involved in discussions until it is final.

- Councillor Turner: Thanks very much. Are there further speakers? Back to committee room 5 as someone approaches. Good day, sir, and welcome - just need your name for the committee and your five minutes starts now, sir.

- Ron McDougall, 41 Camden Place: I'm addressing the needs for a minor variance to the zoning because Building 'B' is not in compliance. The zoning granted allows only two units to be stacked; the building has three units stacked. And as it stands under the current zoning, this would mean that six of the eighteen units would need to be eliminated. *(Councillor Turner: Sir, if I could just pause you there for a second. Specific to the minor variance itself, this committee has already granted leave for the applicant to go to the Committee of Adjustment, and that's where that would be heard so we won't be able to influence that process at this point. So if your comments are of another nature please focus there, but with respect to the minor variance, that won't be the purview of this committee – just...if that helps you with your time, sir.);* Well, I'll try to be very brief but does that mean that we will have an opportunity to speak? *(Councillor Turner: Yes, sir – the Committee of Adjustment has a public process, and you're able, when those go forward...there's a notification process similar to the zoning process, as well as the ability to submit comments or present to the Committee of Adjustment.);* Well, I'll just bring up one other point then - that we have some great concerns about the sewage line that is proposed that would empty into Camden Place. This is a very, very old line and it could very easily be overwhelmed if the project finishes with considerably more occupants than they projected. We feel the sewage lines must be directed to Fanshawe Park Road, and this should be done at the time of construction - not when an existing line fails. I know that this is still under study, but I would just like to make the point that we consider it a serious issue that has to be...it just...an old line like that cannot withstand, and the hundred and one occupants is, I think, somewhat lighter than what might end up in this property. That's all I have to say, thank you very much.

- Councillor Turner: Thank you, Mr. McDougall. I'll look for any further comments. Committee room 5 - we have another. Welcome, sir - don't worry, the sanitization process does not encroach into your time.

- Rick Giroux: I and my wife are the property owners of 1269 Hastings Drive, backing onto the subject property of 307 (Fanshawe). The original concern was my apprehension about the applicant electing to pursue removal of the hedges at the back of our property, replacing them with six-foot-high wooden fences. We've now been informed, after meeting with the applicant a few days ago, that the hedges will be retained and, after completion of the project, lightly trimmed to promote growth along the sides of the hedges. This eliminates my concern relative to hedge removal but does not address the East/West parking lot that will be adjacent to the backyard of 1269 Hastings or 1265 Hastings - my neighbour to the North - and about ten feet of the Northeast corner of my lot. Based on the latest site and landscape plan, the area in question will include a common area, the snow storage area, and a parking lot for approximately seventeen cars and trucks. The ten-foot section of the back of my yard is the location of a pergola which we use to relax in the evenings and entertain family and friends. Please envision a daily traffic of vehicles entering and exiting the parking lot, the glare of headlights, the slamming of car doors, the potential of noise emanating from the common area, and the backup signal of trucks pushing snow, notwithstanding the possible moisture problems with the snow storage area. Even with retention of hedges, this section is somewhat thin at the lower level, and it's my belief that the benefit of the hedges should be supplemented by a fence along the parking lot area which is structured to provide both light and noise abatement characteristics. I urge you to take this into consideration as it will retain the shelter and integrity of my backyard and negate the effects of backing onto a parking lot. Thank you for the opportunity to address you.

- Councillor Turner: Thank you, Mr. Giroux. I'll look for further speakers. We'll go to committee room one – welcome, sir.

- Piotr Nowakowski, 1273 Hastings Drive: Hello, good evening. Thank you for allowing me to speak. (*Councillor Turner: Mr. Nowakowski, could you speak a little bit louder? It's a little quiet, maybe a step forward or two. Wonderful, thank you.*); I live at 1273 Hastings Drive, together with my wife and my son. I would like to bring another issue that I've been thinking about - and I addressed it at the previous meeting where we had the opportunity to speak - and that is safety of Fanshawe Park Road and safety of the future neighbours of that development. What I'm speaking about is how limited the access to that property is from Fanshawe Park Road. It's proposed that it is going to be a 'right in, right out' access. Also, the proposal mentioned that it will be allowed - or currently it is not illegal - to take a U-turn on Fanshawe and Hastings Drive, and then make a right turn into that property. Now, I've done some studies and calculations, and it appears to me that you have about four seconds time to make the U-turn, after which you accelerate fast to make sure that you don't create a hazard for the oncoming traffic, and then you have to brake immediately so you've got to slow down to access 307 Fanshawe Park Road. So, what to me seems necessary is another lane being built beside Fanshawe Park Road for those people that choose to turn, to access the property, to turn on Fanshawe and slow down and get out of the way of oncoming traffic - to slow down and then access the property. So it seems like a third lane would be necessary to build, in my opinion. And I realize this even more now, after driving from church last week on Richmond Street where I pass by 12- I believe it's 1235 Richmond Street. This is that tall apartment building that was built there, and somehow city staffers missed the necessity of having an area of the street widened there to allow for service trucks and taxis to be able to park in front of the building. I'm not sure if people here are aware of this, but right now there's construction going on to correct that



unsafe situation there, and I believe it will be the same scenario with this property where something will need to be done along Fanshawe Park Road to provide a safe access, and I would like just to make a point here, on the record, that perhaps something of that nature should be reflected on the site plan. Thank you very much.

- Councillor Turner: Thank you, sir. And looking into the committee rooms, I'm not seeing many people moving right now...are there any further speakers on this matter? I'll make a second call – to the staff members in committee rooms, does it seem that there's anyone else that wishes to speak at this time?
- Jeannie Raycroft, Manager, Licensing and Elections: Nobody in committee room 5 wishes to speak at this time.
- Councillor Turner: Thank you very much.
- Bridgette Somers, Manager, Corporate Records: No one in committee room 1.
- Councillor Turner: Wonderful, thank you. I'm seeing no further speakers; I will take a motion to close the public participation meeting.

# 307 Fanshawe Park Road East

Public Site Plan Meeting

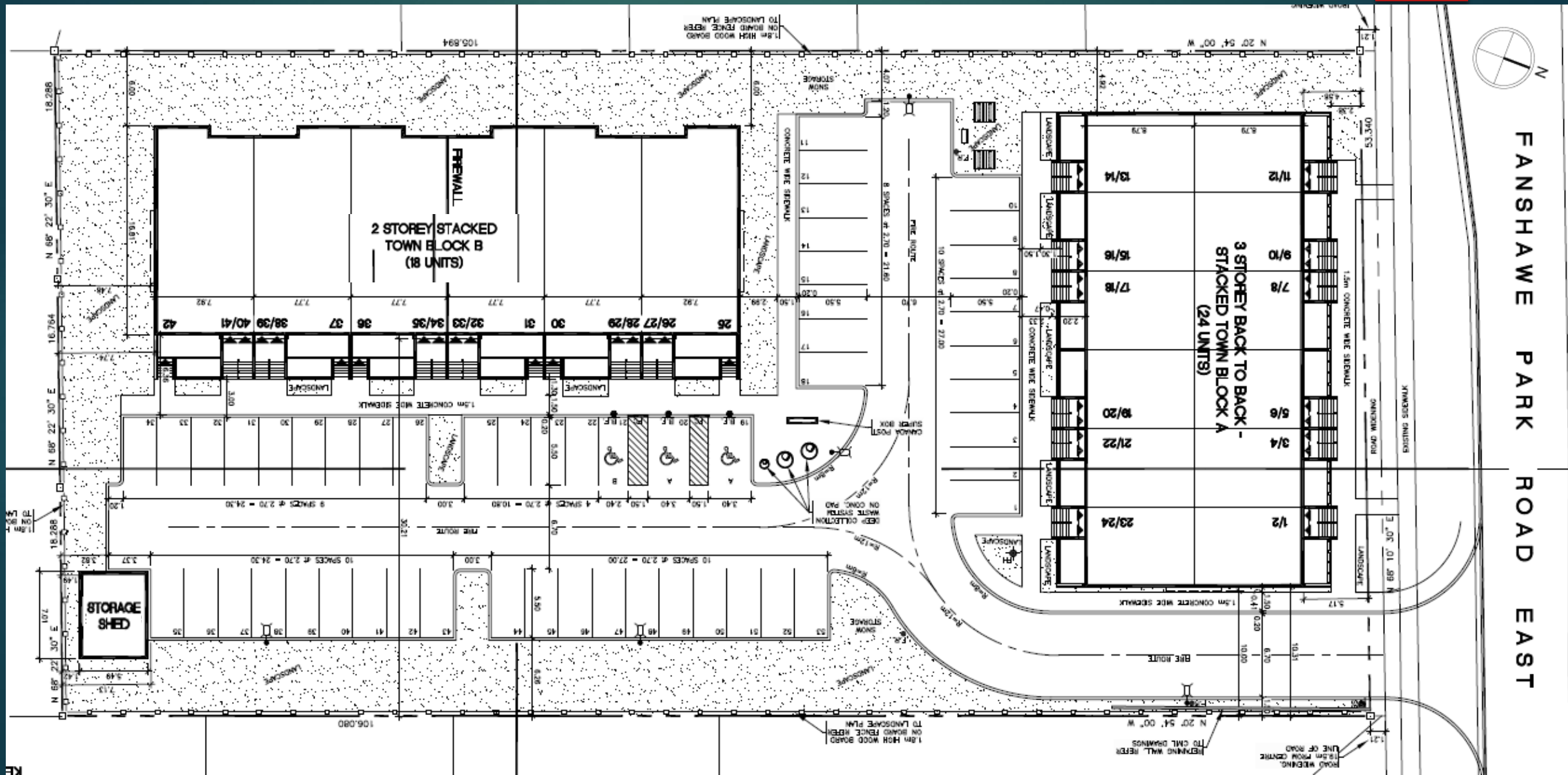
Wednesday, July 15th, 2020



ROYAL PREMIER HOMES

*your home. your way. with a quality you deserve.*

# Site Plan



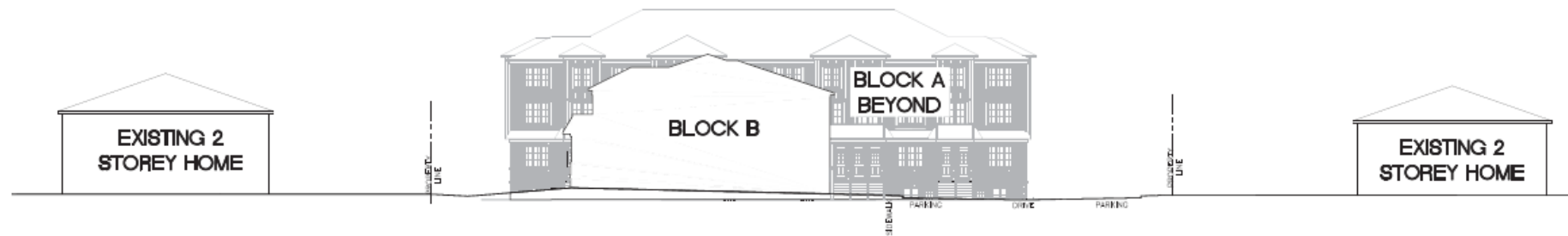
FANSHAWE PARK ROAD EAST

# Cross sections

3



**SITE CROSS SECTION 'A' (NORTH TO SOUTH)**

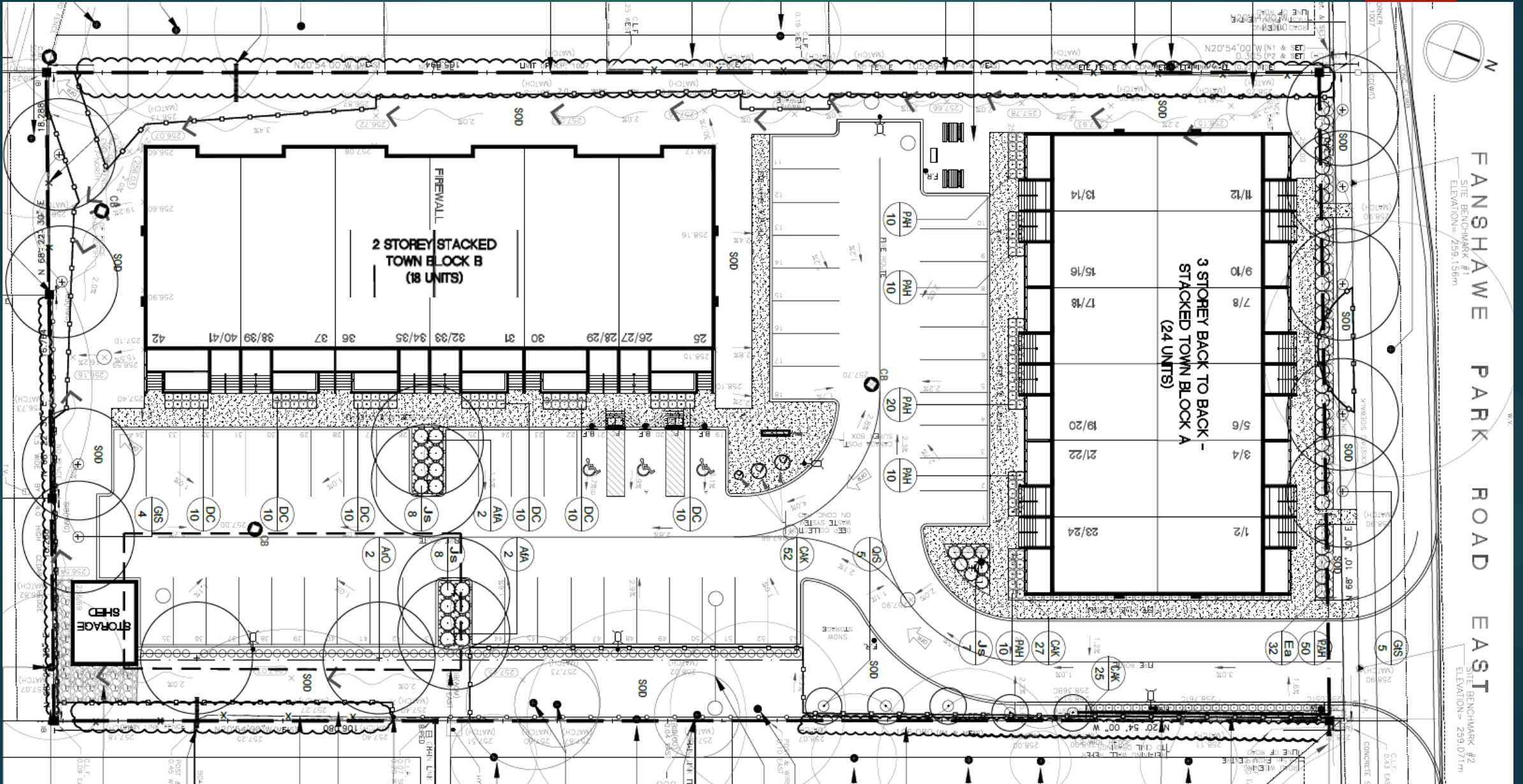


**SITE CROSS SECTION 'B' (EAST - WEST)**



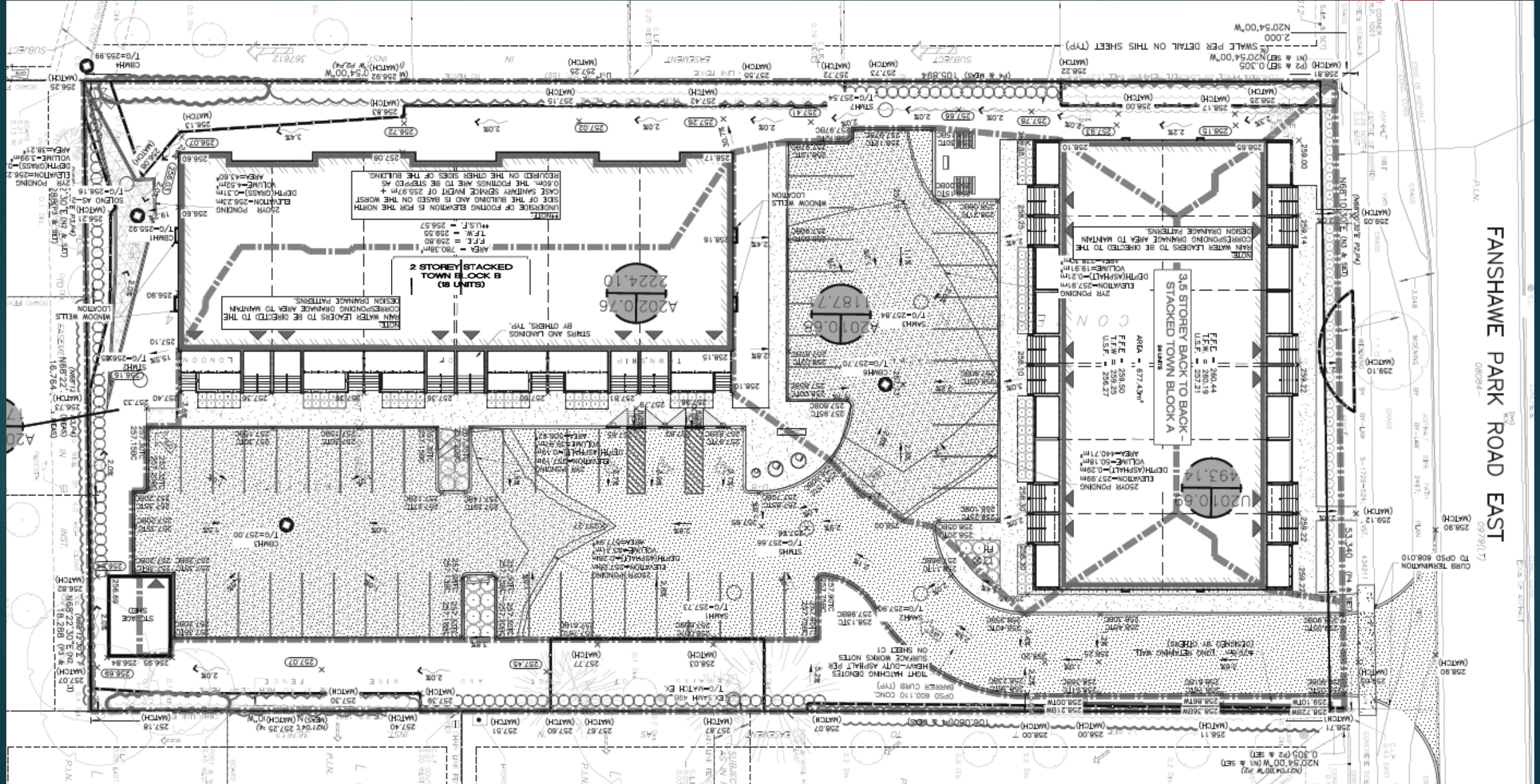


# Landscape Plan





# Grading Plan



FANSHAWE PARK ROAD EAST  
080284-  
097/96.17

DATE: 07-20-11

PLN



Old Stoneybrook Community  
Association:  
Helping Grow Forest City

307 Fanshawe  
Rezoned 1 Oct 2019 Z-9006  
Plan SPA20-029

# Agenda:

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- Historical Context – Summary of Plan and Council Directives
  - Michael Crawford
- Tree Preservation
  - Claudia Clausius
- Privacy Buffering and Lighting, Snow Storage and Removal, and Summary
  - Deb Beverley

# History: Michael Crawford

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## Community Association Supports Development:

- Under-utilized lot
- Opportunity to intensify
- Opportunity to promote accessibility, aging in place
- Opportunity to diversify community

Council Approved Rezoning with Amendment  
Oct 1, 2019

# What Current Amendment States:

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“b) the Site Plan Approval Authority BE REQUESTED to consider the following matters:

- i) the requirement for the protection and preservation of the trees and hedges on the easterly, southerly, and westerly boundary (both shared boundary and within-boundary vegetation) on the subject property, with the exception of invasive species or hazard trees;
- ii) where hedge growth is sparse the requirement for the provision of supplementary coniferous plantings post-construction to fill the gaps;
- iii) the comments from the Urban Design Peer Review Panel (UDPRP) from their meeting held on July 17, 2019; and,
- iv) subject to iii) above, the submission of a revised site plan to the UDPRP for review;”

# Clarification of the Amendment 1:

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- Councillor Turner: “ How would staff read that – is it directive or considerative?” Regarding tree protection “ ... it seems to create some inclusion of trees that aren’t on the shared boundary, but actually on the site themselves.” Oct 1, 2019, video time stamp 3:39)
- Director, Development Services Paul Yeoman:
  - “ The way that it would be interpreted by the Site Planning Authority is that it is a desired standard of Council to be implemented through the process as a requirement” (emphasis added) (video time stamp 3:41)

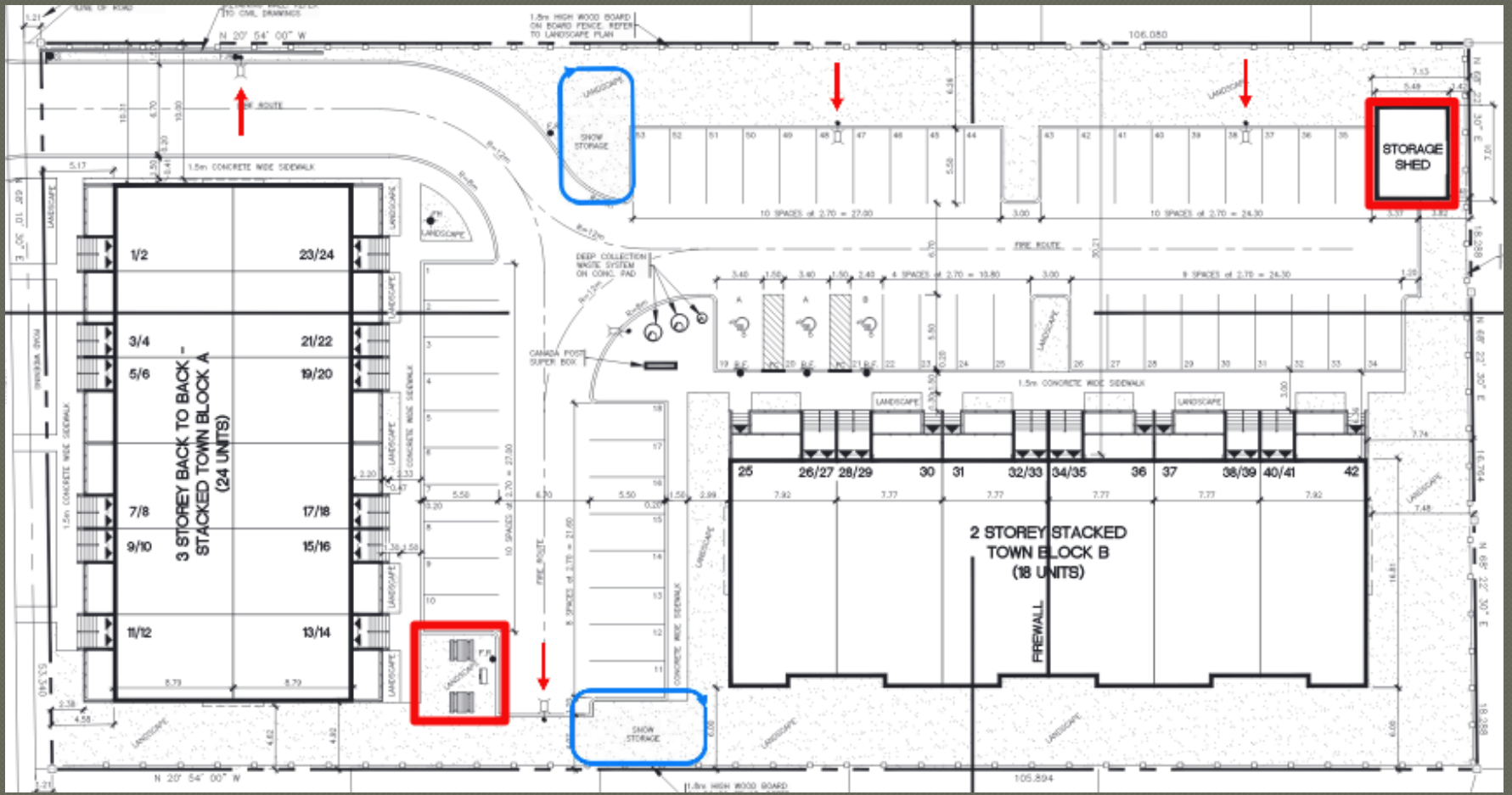
# Clarification of the Amendment 2:

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- Councillor Turner queries parking lot maximum: “the applicant is not compelled to take advantage” of the maximum? (video time stamp 3:41)
- Director, Development Services Paul Yeoman responded that the parking allocation is intended to “establish a maximum.”(video time stamp 3:41:55)
- Councillor Morgan for clarification queried if the number of spaces was required or established a cap.
- Mr. Yeoman responds, “a cap on the number of spaces” (video time stamp 3:42:44).



# Revised Site Plan:



# Revised Plan:

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- New storage shed on treed boundary line
- New central park bench area introduced
- Snow storage areas reduced – one lacks service swale
- Tree Preservation only marginally improved (17 instead of 15, *majority are on neighbours' property*)
- Parking space footprint static at 53 (none put underground)
- Setback not respected (encroachment of Building A - Fanshawe fronting building)
- Zoning was inappropriate for stacked town houses...!

# Tree Preservation: Claudia Clausius

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The trees on this site are the answer to many of the obstacles:

- Privacy will be enhanced with the trees preserved
- Invasive lighting will be mitigated
- Danger of flooding will be *significantly* reduced
- Soil erosion will also be reduced
- Added Bonus: Quality of life for future residents of the development will be enhanced - they too will benefit from the privacy, coolness, and fresher air the trees will offer.

# Tree Preservation:

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- Wisely, Council's requirement to preserve the boundary trees did not specify what kind of trees ought to be preserved
- M. Sundercock's Report to PEC: tree preservation along "the interior property line is a requirement"
- Preserved trees enhance privacy, avoid flooding, and soil erosion *regardless of their species*
- many of the trees identified for destruction are extremely beneficial
- Developer's demolition of old house did not respect trees or their roots (Landscape Comments)
- Tree preservation is critical at this time.

# Trees Condemned for Parking/Grading:

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- #6 Sugar Maple (ON neighbour's property)
  - Paige Vroom argues this tree isn't healthy; should come down in 10 or 20 years! (on site visit July 13, 2020)
- #27 Maple – just inside border
- #28 Pear – ON shared boundary
- #32, #33, #34 – all ON shared border property lines
- M. Sundercock: preserve #21 Burr Oak; #31 Silver Maple; #36 Freeman Maple
- Developer wants to fell #14 Silver Maple (ON neighbor's property - totally healthy but defined as a “risk”)



# Invasive Tree Argument:

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- Some have argued for the removal of “invasive trees” such as the Norway Maple or Buckthorn
- Norway Maple was introduced in 1756 (ReForest London)
- Norway Maples were specifically selected because they are “fast growing, provide good shade and survive well in the harsh city environment (ReForest London)
- For this reason, they are London’s most popular boulevard and park tree



# Example of the Norway Maple:

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- We need to acknowledge the benefits of ‘introduced’ or ‘invasive’ species
- Other examples are Spruce, Scotch Pine, Silver Birch, Weeping Willow, Buckthorn
- BTW - tomatoes and garlic are also invasive species
- 52% of London’s trees are ‘native’ – 48% are “invasive” – no one would argue that we would cut down almost half the trees in London

# Urban Forest Effects Model: London's Urban Forest: May 2012

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- UFORE's exhaustive report argued for the importance of London's trees
- This report makes clear that many trees – also so-called 'invasive' trees - are critical to London's air quality, its carbon saturation, its leaf cover and cooling qualities, and its water absorption – not to mention its aesthetics

# From UFORE Report :

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- **“Management of the urban forest must integrate landscape ecology, landscape architecture and arboriculture in a system of planning that protects plantable space; establishes green infrastructure as a primary step in urban design and development standards;”** (p. 2)
- Council’s requirement that the trees be preserved directly reflects this policy

# From UFORE Report:

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- Norway Maple as an example only:
  - Norway Maple is #1 in terms of leaf area provided
  - Total structural value of Norway Maple is 9% - 2<sup>nd</sup> only to the Silver Maple at 12%
  - Annual carbon storage of Norway Maple is 7.8%, 2<sup>nd</sup> only to Sugar Maple at 8% (another tree the Developer wishes to cut down)
  - A FULL ONE QUARTER of all carbon sequestration in London is accounted for by 4 species of large shade trees (Norway Maple is 2<sup>nd</sup> on that list- Buckthorn is also recognized for its leaf cover)
  - **Importantly, Norway Maples soak up excess amounts of water – in the case of a large parking lot, excess water and snow will be absorbed by these trees**

# Tree Preservation Plan?

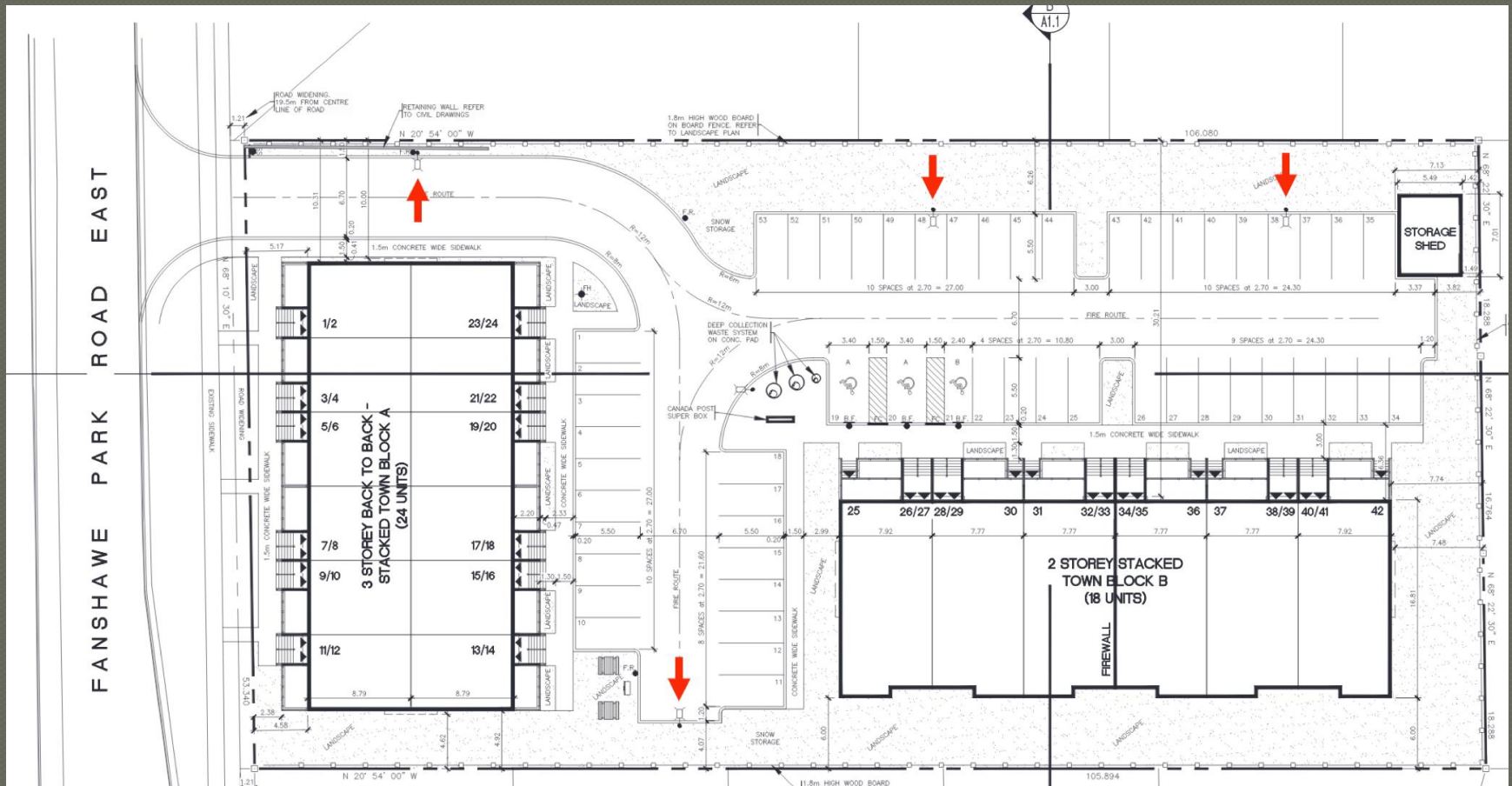
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- Too few trees preserved— current plan preserves only THREE trees just within the boundary.
- Ironically, all the other “preserved” trees are either the neighbours’ (10), the City’s (1), or shared (3) NOT their trees to cut down
- Zelinka Priamo *own study* identified mature trees as a distinguishing characteristic of the neighborhood (pg. 6) in the “Spatial Analysis and Neighbourhood Character” section of their rezoning application Planning and Design Report: “Large mature trees are located on many of the properties in the area.”



# Privacy and Buffering: Deb Beverley

## 24/7 Light Poles





# Set Back and Privacy

- North Block of Residences (facing onto Fanshawe) required a variance (4.9m instead of 6m setback)
- On the west end of structure, 4<sup>th</sup> floor overlooks neighbours' yards from kitchen/living room! (frequently used spaces)
- Privacy fencing extends only part way down easterly edge of property on Site Plan
- Fencing must be on entire perimeter as on M. Sundercock's plan

Re-Zoning Application Submission



Site Plan Submission #2





# Snow Storage: No Viable Plan

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- Limited space for adequate storage of snow
- Space on east edge of lot is graded
- Eastern edge is not serviced by swale
- Snow piles metres high will slide down or melt to neighbouring properties
- Increase in water will impact water table, flood basements
- Salt, chemical laden melt will kill vegetation and neighbouring trees

# Removal of Snow: What Guarantee?

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- A clause in the development agreement could require “snow removal”
- This is registered on the title of the property and is applicable to future owners (transferable)
- Other issues:
  - Who assures compliance? Neighbours will be left with this burden.
  - Who decides frequency of removal? The owner?
- Steps for redress need to be *itemized*?

# Summary

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1. Developer's Tree Plan needs to respect Council requirements
2. Lighting must be more carefully imagined
3. Set back variance must come with conditions to ensure privacy (transom style windows) & board on board privacy fence surrounding *entire* property
4. Winter snow storage needs appropriate and drainage-serviced space.
5. Not enough room for all additional proposed structures and parking – hence the adverse compromises

**SOLUTION:** some parking underground (thereby preserving residential density) OR reduce parking space density.



# City Staff Echo Our Concerns:

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- Set back bylaw violated
  - Set back encroachment Building Block A (M. Sundercock, Building Design)
  - Storage Shed is too high, too close to border (M. Sundercock)
- Tree preservation insufficient to Council's demands:
  - "does not comply with the regulations of the By-law. Further, the Site Plan, Landscape Plan and Elevations, as proposed, will result in development that does not address all the requirements outlined in the October 1, 2019 Council Resolution. In particular, the requirement for the protection and preservation of the trees and hedges on the easterly, southerly, and westerly boundary (both shared boundary and within boundary vegetation) on the subject property." (M. Sundercock)
- Demolition work did not respect trees (Landscape Comments)
- Sanitary Plumbing and Water Supply are not to code (Engineering Comments)
- Storm waste water management is not up to requirement (Engineering Comments)
- Transom windows for privacy (Building Design)



# Next Steps:

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- Site Plan is **STILL** very much a work in progress
- Association should have the opportunity to comment on future site plan iterations
- Current plan dramatically different from previous plan (swale removal, shed, transom windows, set back encroachment, etc.).
- In the interest of equity, all stakeholders should be formally included.

**From:** GLORIA MCGINN-MCTEER  
**Sent:** Tuesday, June 30, 2020 8:04 PM  
**To:** Sundercock, Meg <[msundercock@london.ca](mailto:msundercock@london.ca)>  
**Cc:** Hopkins, Anna <[ahopkins@london.ca](mailto:ahopkins@london.ca)>  
**Subject:** [EXTERNAL] Re: SPA20-029 - 307 Fanshawe Park Road E - Notice of Revised Application and Public Meeting

Reviewed info again. Issues remain intensity resulting in loss of privacy and noise issues in a single family neighbourhood; local traffic impact on arterial road due to close proximity to Fanshawe Park Rd., significant SWM issues germane to this location and ability to provide appropriate green space.

With thanks,

Gloria McGinn-McTeer

PP., Stoneybrook Heights/Uplants RA

683 Windermere Rd. London N5X 3T9

We, the undersigned residents of and property-owners in the Silverleaf sub-division were informed on July 7, 2020 by the developer, York Developments that it will be installing sidewalk on the inner side of Silver Creek Crescent and the east side of Silverleaf Chase before the end of the month July 2020.

We, the undersigned residents and property-owners were completely surprised to learn about this development, for which we have not been consulted by either the City of London, the developer or the multiple builders who are building new homes in the sub-division.

We, the undersigned resident and property-owners have approached the City's and developer's staff and builders to voice our concerns and enforce our rights, and we have been rudely shocked to note their complete disregard of our position and concerns.

Therefore, through this petition, we the undersigned residents of Silverleaf are requesting:

1. THAT the proposed new sidewalks NOT be installed at all;
2. That the developer cease and desist from installing the proposed new sidewalks until the resolution of the issue outlined in this petition and until the LPAT's decision of the London Plan appeal currently pending with the LPAT; and
3. THAT the City ensure that the interests, including pecuniary interests, and rights of the property-owners in Silverleaf (including the undersigned) are recognized, respected and enforced by the City and the developer and builders and their associates.

We, the undersigned residents, are making this petition, including the above-mentioned requests on the following grounds.

### **Safety Concerns:**

- Both Silver Creek Crescent and Silverleaf Chase streets are less than 8 meters (i.e., about 6.1 meters to be exact). Because of the narrow width of streets on Silver Creek Crescent and Silverleaf Chase, mobility of traffic is already a significant challenge. It is almost impossible for large vehicles including emergency vehicles to get through. Adding the proposed new sidewalks will further aggravate this challenge as residents / property-owners will be forced to park their vehicles on curbside due to reduced driveway space. Who will be responsible if an emergency vehicle is unable to access a residence in the event of a health and safety emergency?
- Silverleaf is a family neighbourhood and a number of resident / property-owner families have young children. The combination of narrow streets, increased curbside / street parking and resulting traffic congestion – in the event the proposed new sidewalks are installed – would present a serious health and safety risk to the young children in particular and families in general. Who will be responsible if there is a serious accident as a result?

- There are no streetlight standards to go along the proposed new sidewalks, which will present a serious health and safety for children and seniors in particular and residents / property owners / visitors in general. Who will be responsible if a serious accident happens in such a situation? How many times would the City and the developer damage the private-owned properties for these retrofits and afterthoughts which reflect a complete lack of planning and regard for property-owners interests and rights?
- At least more than 12 residents / property owners already have installed paved driveways based on the assertions of the developer and builders. There is a strong likelihood that the proposed new sidewalks will not be at the same level as the gradient of the driveways and front yards of those properties, presenting additional serious health and safety risks. Who will be liable for those risks?

### **Impact on Civic Services:**

- The combination of narrow streets, increased parking due to proposed new sidewalks and resulting traffic congestion has already resulted in garbage collection, recycling curbside and snow cleaning services not being able to access residences. Why should the residents / property-owners suffer on account of lack of these services for no fault of theirs, while we continue to pay material amounts in property taxes?
- Similarly, transit, paratransit and school bus services are already severely challenged to access residence on the narrow streets. This situation will be further aggravated if the proposed new sidewalks are installed, which will force residents, property-owners and visitors to park on curbside. We can confidently say that paratransit and school buses will have great difficulty maneuvering the streets of Silverleaf to pick children up daily for special services and school.

### **Legal Considerations:**

- The London Official Plan (OP) policy 349, as well as policies 347 and 348, that govern active mobility, including installation of sidewalks on residential streets, are currently pending decision by the LPAT in an appeal. We believe that pending a LPAT decision regarding these policies, there is no reason for the City, the developer or the builders to proceed with the proposed new sidewalks. In fact, it would be prudent for the City, developer and builders to wait on installing the proposed new sidewalks otherwise who would be liable for removing them in the event the LPAT decides against the London OP policies mentioned above?
- Both Silver Creek Crescent and Silverleaf Chase streets are less than 8 meters. According to the City's Design Specifications and Requirements Manual (Transportation), sidewalk on either side of these street is not required.

### **Moral and Community Considerations:**

- There are at least 12 residential properties (single detached homes) on both the inside of Silver Creek Crescent and east side of Silverleaf Chase that have finished driveways and graded, sodded and landscaped front yards. In each of

these cases, the owners and residents of those properties were told by the developer and/or their builder that there was NOT going to be a driveway on their property. In fact, these properties included a model home each belonging to Marquis Developments and Bridlewood Homes on Silver Creek Crescent that did not have sidewalks installed, indicating that they also understood that these sides of both streets would not have sidewalks installed. Couple this with the absence of streetlight standards and it becomes evident that the developer and builders have all along been of the view that these streets would only have sidewalks on one side. There was clearly a communication issue between the City and the developer. In this situation, why are the residents / property-owners on these sides of the two streets being penalized and all the residents being made to suffer as explained elsewhere above.

- The developer, York Developments, has been aware of the completed driveways installed on all of the above-mentioned 12 properties for the last year or more. Why did it not notify the residents / owners of those properties about the proposed sidewalks during this entire period? What is the developer's urgency to install the proposed new sidewalks now with only a few weeks notice? It is evident that the developer has no regard or respect for the residents' / property owners' interest, rights and inconvenience.
- Additionally, why did the City never make an effort to notify the Silverleaf residents / property-owners, especially those of the 12 properties mentioned above about the proposed sidewalks when the City's Building Inspection staff have been visiting those and other properties in the sub-division on almost a daily basis to inspect properties and have even issued notices under the Building Code and other laws to the residents / property owners to rectify deficiencies and comply with legal requirements. Why were the residents / property-owners, particularly of those 12 properties, not notified that their completed driveways and finished front yards were subject to sidewalk provisions, particularly when both those elements (i.e., driveways and front yards) are governed by the Building Code and therefore also covered under the Tarion Warranty?
- In the current land use and building control system, the builders work with the developer, who in turn is responsible to the City for ensuring compliance of all the legal requirements in a new sub-division. A number of residents / owners have been in touch with the City's Neighbourhood Ambassador, the developer's staff and builders about various issues over the last few years that this sub-division has been occupied. Why did all of them fail to notify the residents / owners about the sidewalk requirement? With the above-mentioned multiple failures of planning, coordination and clear guidance at all of those levels, why is the buck now being passed to the residents / property owners? Why are the residents / owners being penalized for no fault of theirs? Why are we being made to suffer for inaccurate information provided to us and misinformation between the developer and the City? Who will protect our rights and interests, including pecuniary interests? Who will pay the thousands of dollars that will be needed to repave our driveways and re-do the front yards if those proposed sidewalks are allowed to be installed?

- We live in a system which is based on responsibility and accountability – where and how will that responsibility and accountability be fixed in the face of this gross failure of coordination and negligence on part of the City, the developer and builders and that too in a neighbour that all these parties have prided to be a model and prestigious community?
- We, the undersigned residents / property owners chose Silverleaf as our dream home. We do not want our dream to be turned into a never-ending crisis. We do not want one so-called “corrective action” to result in multiple health and safety risks for all of us that will be there forever and that too for absolutely not fault of ours. It is a moral responsibility, in fact obligation of the City, the developer and the builders to recognize our position and respect our interest.
- This should not require wholesale changes to the City’s policies and plans. We want a common-sense solution based on the unanimous opinion of the community. We live in a democracy where those who are empowered to make decisions are obligated to respect the opinion of the community. The community of Silverleaf, which is comprised of all the signatories below, DO NOT want the proposed sidewalks installed.

We, the signatories, hope you will pay due consideration to the submissions above and protect the rights and interests of the residents / property owners in Silverleaf, as well as consumers, and agree to NOT install the proposed sidewalks.

We, the signatories, are available to discussing this matter with you and develop a path forward.

We are requesting delegation status to speak to this matter.

Sincerely,

Robert Galizia